

**FILED**

**Dec 26, 2013**

**9TH JUDICIAL CIRCUIT  
COUNTY OF KALAMAZOO  
KALAMAZOO, MICHIGAN**

STATE OF MICHIGAN

9<sup>TH</sup> CIRCUIT COURT-TRIAL DIVISION

THE PEOPLE OF THE  
STATE OF MICHIGAN

v

File No. 2011-1983 FC

SAMUEL STEEL, III,

Defendant.

Jury Trial - Volume I of VII  
Before Honorable Pamela L. Lightvoet P47677, Circuit Judge  
Kalamazoo, Michigan - Tuesday, August 6, 2013

APPEARANCES:

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21  
22  
23  
24  
25

TABLE OF CONTENTS

PAGE

Jury panel sworn . . . . . 15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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Kalamazoo, Michigan

Tuesday, August 6, 2013 - 10:01 a.m.

THE CLERK: The court calls the matter of People of the State of Michigan versus Samuel Steel, III, case number C11-1983 FC.

Parties, please state appearances for the record.

MR. CUSICK: Good morning, your Honor.

Paul Cusick, Assistant Attorney General, on behalf of the People.

MR. CHAMPION: May it please the Court, Robert Champion appearing on behalf of Samuel Steel, who's present in court.

THE COURT: Okay. Counsel, we're here for jury selection today, and the trial is actually going to start on the 27<sup>th</sup>. We did have some discussions, and I want to put a couple things on the record.

We were scheduled to have a settlement conference on Friday. We did contact the attorneys.

It's my understanding that there was no offer, and so I did indicate to Counsel-

Well, first of all, is that correct, Counsel? Yes?

MR. CUSICK: Yes, your Honor.

THE COURT: Okay. And that's your understanding, also, Mr. Champion?

MR. CHAMPION: That's my understanding, also,

1 your Honor.

2 THE COURT: Okay. So I did indicate to Counsel,  
3 then, if that was the case, you didn't need to come on Friday  
4 for the typical settlement conference and I would extend  
5 everything to today, too.

6 So my understanding is there's still no offer; is  
7 that correct?

8 MR. CUSICK: That's correct, your Honor.

9 THE COURT: Okay. And we did have some  
10 discussions, then, in chambers. And so I just wanted to  
11 indicate a couple things for the record.

12 Right now, given the expected length of the trial,  
13 we're picking the jury today. We're not going to swear them  
14 in until they return on the 27<sup>th</sup>. We're selecting 16  
15 individuals right now. We'll see, when they return on the  
16 27<sup>th</sup>, if we want to keep all 16 or if we want to release two at  
17 that time and just proceed with 14.

18 My understanding is that the expected length of the  
19 trial will be two weeks. I'm going to tell the jurors that  
20 we're going to need about three weeks of their time to cover  
21 deliberations and any delay.

22 I will indicate, too, we only have a three-day work  
23 week in there because we have Labor Day. And then I  
24 need--Tuesday will then be my Monday where we do sentences and  
25 so forth, so we would only go Wednesday through Friday on that

1 week. So I am concerned about that time—or that week, too.  
2 So we'll give them an extra buffer, and I'll just reference  
3 that we expect it'll be a two to three-week trial.

4 I did outline to Counsel the fact that, when the  
5 jury comes down, you will get the random list, so you'll know  
6 who's coming next.

7 And I think you're aware of that, Mr. Champion.

8 Mr. Cusick, I don't—You haven't had a trial in the  
9 court yet, so that's how we do it here. And my understanding  
10 is that Mr. Champion explained that process to you.

11 As far as peremptories, I did also indicate to you,  
12 Counsel, it doesn't matter to me if you release, you know,  
13 more than one at a time. Then, when new jurors are chosen, I  
14 would just request that you keep your questions to the new  
15 jurors, but you can excuse anyone peremptorily, even if you've  
16 passed up on them before, obviously.

17 My understanding is there's no objection to the way  
18 that the Court handles that process. And I do switch from  
19 prosecuting attorney to defense attorney when the new jurors  
20 are selected. So Mr. Champion will stand up and begin the  
21 voir dire when we replace any jurors.

22 And you all understand that, yes?

23 MR. CUSICK: Yes, your Honor.

24 MR. CHAMPION: Yes, your Honor.

25 THE COURT: And there's no objection to the way the

1 Court does that?

2 MR. CHAMPION: No objection.

3 MR. CUSICK: No, your Honor.

4 THE COURT: I did also indicate that we--when we get  
5 down to two or three jurors left, if you want me to just  
6 replace jurors one at a time, just let me know by way of a  
7 bench conference--Ask to approach, or whatnot.--and I can  
8 certainly do it that way. But it does, I think, move things  
9 along a little bit quicker.

10 We have a couple things to address--I know  
11 that.--before we begin the trial. I don't--My understanding is  
12 we don't need to address anything--any motions or anything  
13 right now before jury selection, and then we'll plan on  
14 addressing those today or tomorrow when we're done with jury  
15 selection.

16 Is that correct, Counsel; or is there anything--

17 MR. CUSICK: Yes, your Honor, per our discussion.

18 MR. CHAMPION: That is correct, your Honor.

19 THE COURT: All right. So, with that, then, is  
20 there anything else we need to place on the record at this  
21 time? No?

22 MR. CUSICK: No, your Honor.

23 THE COURT: Okay. I did ask that you have your  
24 list of potential witnesses ready. I will ask you to read  
25 those to the potential jurors. And, again, just make sure you

1 include on that list anyone whose name might come up, even if  
2 they're not going to testify. That way we know if anyone  
3 knows them.

4 Mr. Steel, I will indicate that there will be an  
5 occasion where I will introduce you and Mr. Champion. I would  
6 ask that you just stand when I do that so the jurors can see  
7 you, also. Sometimes they might recognize your face as  
8 opposed to just your name. That's why—

9 THE DEFENDANT: Yes.

10 THE COURT: —we do it that way.

11 We do stand every time the jury enters or exits the  
12 court.

13 And so, Counsel, I will give them the standard  
14 instructions, but I'm not planning on reading the preliminary  
15 instructions either until they return the 27<sup>th</sup>.

16 Anything else, then, that you can think of? No.

17 MR. CHAMPION: No, your Honor.

18 MR. CUSICK: No, your Honor.

19 THE COURT: And just a reminder—

20 You stole my copy.

21 —make sure you speak up, please, Counsel.

22 I will also indicate that court A is not having a  
23 case, so we did combine the panels and we should have about  
24 93 individuals from what I understand. So, if we go through  
25 those individuals, for whatever reason, we always have

1 tomorrow where we can bring more in, so-

2 MR. CHAMPION: Do we have all the questionnaires,  
3 your Honor?

4 THE COURT: I hope so.

5 THE CLERK: I think we get all of them anyway.

6 MR. CHAMPION: Oh, we did.

7 THE COURT: Yeah, I think you get all of--Yeah,  
8 that's true. I don't think they're separated when you get the  
9 initial packet, so you should.

10 Well, at least it's cool in here today--You never  
11 know what the temperature is going to be in here.--until we get  
12 93 more people in here.

13 MR. CUSICK: We need more lights.

14 THE COURT: More lights?

15 MR. CUSICK: It seems kind of dark.

16 THE CLERK: There you go.

17 THE COURT: You got a spotlight on you.

18 Actually, it is overcast today. We could probably  
19 open up the blinds. But there's usually issues with--

20 THE CLERK: It gets in their eyes.

21 THE COURT: Yeah, that's why we just keep them  
22 shut.

23 MR. CUSICK: It's a nice room.

24 THE COURT: We just don't want everyone to know we  
25 keep them until 10:00 o'clock at night and hold them hostage



1 here, so that's why we keep the blinds shut.

2 MR. CHAMPION: Is the jury on its way down or-

3 THE CLERK: Yeah, she's doing roll.

4 . . . (inaudible)

5 THE COURT: You need something?

6 MR. CHAMPION: I was just going to step out for a  
7 minute.

8 THE COURT: You can, probably.

9 Just be careful if they're in the hallway.

10 (At 10:14 a.m., Mr. Champion exits courtroom and  
11 returns at 10:15 a.m.)

12 All set?

13 All rise.

14 (At 10:16 a.m., jury panel enters courtroom)

15 Just please be careful of the steps. When you get  
16 over to this side, there are some steps, too, and it's dark.  
17 So I just don't want anyone falling.

18 Go ahead and have a seat.

19 You may be seated.

20 Good morning, ladies and gentlemen.

21 We do appreciate your patience. Sometimes things go  
22 on down here, and we can't always explain to you what's going  
23 on. So we do appreciate your patience with us this morning.

24 My name is Judge Pam Lightvoet. I'm one of the four  
25 circuit court judges here in this building; and, on behalf of

1 everyone, I do want to welcome you to the Ninth Circuit Court  
2 in Kalamazoo.

3 I'm going to read to you some jury instructions;  
4 but, before I do that, I have a couple things to address.

5 First of all, it is very hard to hear in this court.  
6 And I think it depends on where you're seated, too.  
7 Sometimes, in some areas, it's a little bit more difficult  
8 than others.

9 We do have audio devices. We have devices that work  
10 with hearing aids and just devices that you put over your  
11 head--just headsets. They seem to be quite helpful for folks.

12 Is there anyone here who's having a hard time  
13 hearing me who would like to try one of those devices?

14 All right. We do have one hand that's up. Raise  
15 your hand if anyone else wants to try one of those devices.

16 No other hands that I see.

17 All right. So I'm going to just start talking here  
18 and--

19 I can't see her, though. I don't know if--

20 Thank you.

21 I'll just keep talking and see if that's helpful.

22 Is that helpful, ma'am? Okay.

23 UNIDENTIFIED JUROR: Yes.

24 THE COURT: Great!

25 And no other hands are raised.

1           If you would just please double-check and make sure  
2 all cellphones and other electronic equipment is turned off, I  
3 would greatly appreciate it. It is very disruptive when those  
4 go off for the parties and the attorneys, so—and the other  
5 jurors. So if you'll just double-check those.

6           It is very important when we go through this process  
7 that you're not looking at your phone. We do have Wi-Fi in  
8 the building, but you just need to make sure you're not  
9 texting or looking up anything online. We do need to make  
10 sure you're paying attention to what's going on here with the  
11 trial. So I do appreciate it if you would just turn those  
12 devices off; and, certainly, when we break, then you can use  
13 those devices.

14          All right. Our courtroom is set up with a system of  
15 cameras, as you can see, on the wall; and there are  
16 microphones. So we are recording everything. We don't have a  
17 court reporter here that's transcribing everything. Whoever  
18 is speaking is on camera, except for there are no cameras that  
19 are facing the jury box. So, when we get to the point where  
20 we're selecting jurors for the jury box, your faces are never  
21 on—on camera, just so that you are aware of that.

22          There are some microphones in the jury box, also, at  
23 the podium and at counsel's table. They're the black boxes in  
24 front of me, and you can see throughout the tables and so  
25 forth.

1           As we go through the process, there will be  
2 occasions where we're talking to all of you in the court, too,  
3 so—or some of you, I should say. But you do need to make sure  
4 that you speak up so that everyone in the court can hear you,  
5 so that our recording system picks up what you're saying; and,  
6 again, especially, when we get to the point where we're asking  
7 you questions, if you're sitting back—in the back of the  
8 courtroom, there are no microphones back there. We do need to  
9 pick up what you're saying. So please make sure you speak up.

10           If, at anytime, you cannot hear what's going on or  
11 what's being said, please make sure you raise your hand and  
12 wave it and I'll remind everything—everyone to speak up.  
13 Just, as we go through trials, people's voices just fall. And  
14 I know it's very difficult to hear sometimes. So just a  
15 reminder to everyone to make sure you speak up.

16           Okay. I am going to read to you some jury  
17 instructions, so please listen carefully, ladies and  
18 gentlemen.

19           I know that jury duty may be a new experience for  
20 some of you. Jury duty is one of the most serious duties that  
21 members of a free society are asked to perform. Our system of  
22 self-government could not exist without it.

23           The jury is an important part of this court. The  
24 right to a jury trial is an ancient tradition and part of our  
25 heritage. The law says that both a person who is accused of a

1 crime and the prosecution have the right to a trial, not by  
2 one person, but by a jury of 12 impartial persons.

3 Jurors must be as free as humanly possible from any  
4 bias or prejudice or sympathy for either side. Each side in a  
5 trial is entitled to jurors who keep open minds until the time  
6 comes for you to decide this case.

7 A trial begins with jury selection, and the purpose  
8 of this process is to obtain information about you that will  
9 help us choose a fair and impartial jury to hear this case.  
10 During jury selection, the lawyers and I will ask you some  
11 questions. This is called the voir dire process.

12 The questions are meant to find out if you know  
13 anything about the case, and we also need to know if you have  
14 any opinions or preliminary experiences that may influence you  
15 for or against the prosecution or the defendant or any of the  
16 witnesses who may be called to testify in this case. One or  
17 more of these things could cause you to be excused in this  
18 particular case, even though you may be otherwise qualified to  
19 serve as a juror.

20 Sometimes the questions may probe deeply into your  
21 attitudes or beliefs or experiences. They are not meant to be  
22 an unreasonable prying into your private life. The law simply  
23 requires that we get this information so that an impartial  
24 jury can be chosen.

25 If at anytime you do not hear or understand a

1 question, again, please raise your hand and let us know so I  
2 can have the question or the answer repeated. If you do  
3 understand the questions, you should answer them truthfully  
4 and completely. Please do not hesitate to speak freely or let  
5 us know if there's anything that you believe we should know.

6 And I will also indicate that, as we go through this  
7 process, sometimes folks just aren't comfortable speaking out  
8 in open court; and, if that is the case, please let us know  
9 and I can bring you to the bench and we can have a bench  
10 conference with the attorneys. So just please let us know if,  
11 at anytime, you don't feel comfortable speaking out loud.

12 During jury selection, you may be excused from  
13 serving on the jury in one of two ways. First, I may excuse  
14 you for cause—That is, I may decide that there is a valid  
15 reason why you cannot or you should not serve as a juror on  
16 this particular case.—or a lawyer from one side or the other  
17 may excuse you without giving any reason for doing so; and  
18 this is called a peremptory challenge, and the law gives each  
19 side the right to excuse a certain number of jurors in this  
20 way.

21 If you are excused, you should not feel bad or take  
22 it personally. As I explained before, there may be  
23 something—or simply something that causes you to be excused  
24 from this particular case.

25 Ladies and gentlemen, in a moment I will ask you to

1 stand and to raise your right hand and to swear to answer  
2 truthfully, fully, and honestly all the questions that you  
3 will be asked about your qualifications to serve as a juror in  
4 this case. If you have a religious belief against taking an  
5 oath, you may, instead, affirm that you will answer all the  
6 questions truthfully, fully, and honestly.

7 Please remember we need a loud, verbal response. We  
8 are recording your answer and your oath.

9 Ladies and gentlemen, please stand and raise your  
10 right hand.

11 THE CLERK: Do each of you solemnly swear or affirm  
12 that you will truthfully and completely answer all questions  
13 about your qualifications to serve as jurors on this case?

14 JURY PANEL: Yes.

15 THE CLERK: Thank you.

16 You may be seated.

17 All right. Ladies and gentlemen, I'd like to  
18 introduce to you the members of my staff. You've already met  
19 Ms. Yasmine Wint. She's an attorney. She's my law clerk. So  
20 she and I contact each other by way of the computer about  
21 other cases, other things going on. And she will periodically  
22 coming in-come in and out of the courtroom. She might hand me  
23 information or whatnot. Please just make sure you pay  
24 attention to what's going on with the trial and don't worry  
25 about anyone else coming in or out of the courtroom.

1           She's also responsible for you outside of the court,  
2           so she will always bring you together, as a group, into the  
3           court.

4           Sometimes we have to handle things outside of your  
5           presence, according to the law. We have a book of rules here  
6           we have to follow. So sometimes we're addressing things that  
7           you just can't hear for various different reasons. So it's  
8           very important that you don't ever walk into the courtroom on  
9           your own. Please make sure you don't ever do that. Again,  
10          she'll always escort you in and out of the court.

11          And, if you have any questions outside of the  
12          courtroom, she'd be happy to answer them if she can or pass  
13          the information along to us.

14          To my right is Ms. Sherri Johnson. And she, also,  
15          sometimes comes in and out of the courtroom; and we  
16          communicate, again, by e-mail. And she's busy typing on the  
17          computer and working on other matters, too. So, again, just  
18          make sure you're paying attention to what's going on with the  
19          court—or with the trial.

20          And I will also indicate that trials are open to the  
21          public. So, when we begin the trial, there might be folks  
22          that are coming and going. And, again, just make sure you're  
23          paying attention to what the attorneys are addressing and the  
24          witnesses, and don't worry about who's coming in and out of  
25          the court.



1           This is a criminal case, and there are four counts  
2           that I'm going to read to you—or charges:

3           Count one, the title is homicide open murder;

4           Count two, the title is weapons felony firearm;

5           Count three, the title is weapons firearms  
6           possession by felon; and

7           Count four, the title is weapons felony firearm.

8           And I'll describe those for you in a little bit more  
9           detail later.

10          The charge or counts have been brought against the  
11          defendant. His name is Samuel Steel, III. He's seated to my  
12          right with his attorney Robert Champion.

13          If both of you would please stand.

14          MR. CHAMPION: Good morning.

15          THE COURT: Thank you.

16          And the lawyer for the State of Michigan is  
17          Assistant Attorney General Paul Cusick.

18          If you would please stand, sir.

19          MR. CUSICK: Good morning.

20          UNIDENTIFIED JURORS: Good morning.

21          THE COURT: Now I'm going to have the attorneys  
22          list the potential witnesses who will be called to testify in  
23          this case. It's not necessary that every single one of these  
24          individuals will, in fact, testify; but the potential  
25          witnesses are going to be identified. Please listen carefully

1 to their names and then, in a moment, I'm going to ask if any  
2 of you know or think you may know any of these witnesses who  
3 will be named or the attorneys Mr. Cusick or Mr. Champion or  
4 Mr. Steel. So please listen carefully.

5 Mr. Cusick, I'll have you start, please.

6 MR. CUSICK: Thank you, your Honor.

7 The possible witnesses that will testify in behalf  
8 of the People:

9 Brian Beauchamp, who is the officer in charge of  
10 this case, seated to my left,

11 John Bechinski,

12 Michelle Bennett,

13 Matthew Bombich,

14 Michael Bork,

15 Paige Bowers,

16 Steven Brown,

17 Michael Burritt,

18 Ron Campbell,

19 Alesha Caper,

20 Melvin Carmouche,

21 Tracy Cochran,

22 Barb Compton,

23 Rob East,

24 Megan Erickson,

25 Sheila Goodell,

1	Mike Hecht,
2	Matt Huber,
3	Ann Hunt,
4	Roderick Ivey,
5	Quazae Jackson,
6	Pat Johnson,
7	Walter Johnson,
8	David Juday,
9	Tim Knight,
10	Lashontay Kyles,
11	Gary Latham,
12	Gerald Luedecking,
13	Thomas Maher,
14	Harry Mathews,
15	Wendell Montgomery,
16	Bill Moorian,
17	Brandon Noble,
18	Ricky Perry,
19	Ken Roark,
20	Karen Rivard,
21	Devon Smith,
22	Mark Sprague,
23	Paul Szabo,
24	Terry Thomas,
25	Linda Underwood-Davis,

1 Travis Ulberg,  
2 Andre Wells,  
3 Kristine Wilkerson,  
4 Cakrlotte Williams,  
5 Mike Wilson,  
6 Justin Wolbrink.  
7 Thank you, your Honor.  
8 THE COURT: All right. Thank you.  
9 Mr. Champion, do you have any other witnesses other  
10 than those that were already listed that you may be calling,  
11 sir?  
12 MR. CHAMPION: I do, your Honor.  
13 THE COURT: Go ahead.  
14 MR. CHAMPION: Those witnesses would be:  
15 Jesse Barrows,  
16 Darlynzoe Brown,  
17 Steve Brown,  
18 Katie Cartwright,  
19 Carl Clatterbuck,  
20 Jerry Davenport,  
21 Donario Davis,  
22 Jo-Nathan Hale Davis,  
23 Devin Hughes,  
24 Edward Jackson,  
25 Ed Jones,

1 Kenya Jones,  
2 Lee Logan,  
3 Tommy Morgan,  
4 Guy Murray,  
5 Latisha Nalley,  
6 Ken Newell,  
7 William Nichols,  
8 Marcus Pearce,  
9 Paul Pratt,  
10 Cynthia Smith,  
11 Henry Smith,  
12 Richard Smith,  
13 Charles Thomas,  
14 Kevin Ward,  
15 Keyth Whitfield,  
16 Florence Wilbon,  
17 Antonio Willams, and  
18 Earnest Wynn.

19 THE COURT: Thank you, Mr. Champion.

20 All right. Ladies and gentlemen, so we need to know  
21 if any of you know or think you may know any of the witnesses  
22 that were just identified or either of the attorneys or  
23 Mr. Steel. If so, please stand.

24 All right. So, as we go through this process, there  
25 might be occasions where you may stand on more than one

1 occasion. Each time we do need your name, just so that you  
2 are aware of that. And, just a reminder, please make sure you  
3 speak up so everyone in the courtroom can hear what you're  
4 saying.

5 I'm going to start to my left.

6 Sir, first of all, we need your name for the record.

7 JUROR TURNER: Bruce Turner.

8 THE COURT: With a T?

9 JUROR TURNER: T.

10 THE COURT: All right. Sir, who is it that you  
11 know or believe you may know, sir.

12 JUROR TURNER: William Nichols.

13 THE COURT: And how do you know this person?

14 JUROR TURNER: I may be related to him.

15 THE COURT: How so?

16 JUROR TURNER: Cousin.

17 THE COURT: Are you close to this individual?

18 JUROR TURNER: No.

19 THE COURT: No.

20 When was the last time you saw this person, if it's  
21 the right person?

22 JUROR TURNER: Five or six years ago.

23 THE COURT: Okay. So let me ask you this, sir, if  
24 the person came to testify, would you give him more  
25 credibility because he's related to you, he's your cousin?

1 JUROR TURNER: No.

2 THE COURT: You think you could be fair and

3 impartial and judge his credibility the same way you would any

4 other witness that came to testify?

5 JUROR TURNER: Yes.

6 THE COURT: All right. Now the attorneys—As we go

7 through this process, we're just getting information. The

8 attorneys might have more informa—or more questions about

9 these issues.

10 But I'm going to have you go ahead and have a seat.

11 Thank you, sir.

12 Your name, ma'am?

13 JUROR BALL: Kimberly Ball.

14 THE COURT: I'm sorry?

15 JUROR BALL: Kimberly Ball.

16 THE COURT: Okay. With a B.

17 And who is it that you know or believe you may know,

18 ma'am?

19 JUROR BALL: Michelle Bennett.

20 THE COURT: How do you know this individual?

21 JUROR BALL: We were neighbors for a few years, and

22 our daughters have pretty much grown up together.

23 THE COURT: When was the last time that you saw

24 Ms. Bennett?

25 JUROR BALL: July 14<sup>th</sup>.

1 THE COURT: And what was that for?

2 JUROR BALL: My daughter's graduation party.

3 THE COURT: Okay. Let me ask you, if this is the  
4 correct individual that you're thinking of and she comes to  
5 testify, would you give her more credibility because of your  
6 relationship with her because you know her?

7 JUROR BALL: No.

8 THE COURT: Okay. You think you could judge her  
9 credibility the same way you would judge any other person's  
10 credibility?

11 JUROR BALL: Yes.

12 THE COURT: All right. Thank you, ma'am. You may  
13 be seated.

14 All right. I'm going to start to my left.  
15 Sir, your name?

16 JUROR SAAD: Tom Saad.

17 THE COURT: Saad, you said, correct?

18 JUROR SAAD: Correct.

19 THE COURT: Who is it that you know or believe you  
20 may know, sir?

21 JUROR SAAD: Linda Underwood. I'm not sure if it's  
22 the same person or not.

23 THE COURT: And how do you know this individual?

24 JUROR SAAD: A former patient of mine.

25 THE COURT: All right. Same question to you, then,



1 sir. I don't know how long it's been since you saw this  
2 individual, and I'm not going to have you answer that  
3 question.

4 JUROR SAAD: I can't be sure.

5 THE COURT: Okay. But you could judge the  
6 credibility of this individual, if they came to testify, same  
7 way you would any other witness?

8 JUROR SAAD: Yes.

9 THE COURT: All right. Thank you, sir

10 JUROR RZEPKA: Matthew Rzepka-R-z.

11 THE COURT: All right. Go ahead, sir.

12 JUROR RZEPKA: Carl Clatterbuck.

13 THE COURT: And how do you know Carl Clatterbuck?

14 JUROR RZEPKA: A business relationship.

15 THE COURT: Same question to you, sir. If he came  
16 to testify here, could you judge his credibility the same way  
17 you would anyone else's; or would you give him more weight or-

18 JUROR RZEPKA: No.

19 THE COURT: No.

20 JUROR RZEPKA: I could be fair.

21 THE COURT: All right. I appreciate that, sir.  
22 Ma'am, your name?

23 JUROR DEUEL: Melinda Deuel.

24 THE COURT: Go ahead.

25 JUROR DEUEL: Gerald Luedecking.

1                   THE COURT:   All right.   And how do you know  
2   Gerald Luedecking?

3                   JUROR DEUEL:   He's my step-uncle.

4                   THE COURT:   Do you see him often?

5                   JUROR DEUEL:   No, I haven't seen him in over ten  
6   years.

7                   THE COURT:   Same question to you, then, ma'am, as  
8   I've been asking everyone else.   You think you could be fair,  
9   or would you give him more credibility or less credibility  
10   based on your relationship and knowing him?

11                  JUROR DEUEL:   I could be fair.   I don't really know  
12   him that well since we're not close.

13                  THE COURT:   All right.   Thank you.  
14                  Sir, your name?

15                  JUROR RICE:   My name is Kyle Rice.

16                  THE COURT:   Go ahead, sir.

17                  JUROR RICE:   I know Andre Wells and  
18   . . . (inaudible)

19                  THE COURT:   I'm sorry.   Who is that you know?

20                  JUROR RICE:   Keyth . . . (unintelligible) and  
21   Andre Wells.

22                  THE COURT:   And how do you know these individuals?

23                  JUROR RICE:   I graduated high school with them, and  
24   I lived by them for—I was neighbors with them for two years.

25                  THE COURT:   The same question to you, sir,

1           credibility-wise, would you give them more or less credibility  
2           if they came to testify and you were on the jury of this-

3                   JUROR RICE:     That'd be a hard question.

4                   THE COURT:     That'd be a hard question.   For both of  
5           them, sir?

6                   JUROR RICE:     Yes.

7                   THE COURT:     How often do you see them?

8                   JUROR RICE:     Last time I seen them was about a year  
9           ago.

10                  THE COURT:     Thank you, sir.   You may have a seat.  
11           Ma'am, your name?

12                  JUROR GAUDARD:   Chris Gaudard.

13                  THE COURT:     Go ahead.

14                  JUROR GAUDARD:   Mr. Champion-

15                  THE COURT:     All right.

16                  JUROR GAUDARD:   -and I believe . . . (inaudible)

17                  THE COURT:     And you lost me at the end there.   You  
18           said Mr. Champion and who else?

19                  JUROR GAUDARD:   I believe my husband works with  
20           Mr. . . . (inaudible)

21                  THE COURT:     Okay.   And I missed your last name.

22                  JUROR GAUDARD:   Gaudard.

23                  THE COURT:     Thank you.

24           Thank you.   You may have a seat.

25           Your name, sir?

1 JUROR OTTE: Dennis Otte.  
2 THE COURT: Go ahead.  
3 JUROR OTTE: I know Tracy Cochran, and I know  
4 Gerry Luedecking.  
5 THE COURT: Thank you, sir. You may have a seat.  
6 Ma'am, your name?  
7 JUROR LOVELAND: Patricia Loveland.  
8 THE COURT: Go ahead.  
9 JUROR LOVELAND: William Nichols.  
10 THE COURT: And how do you know William Nichols?  
11 JUROR LOVELAND: From school years ago. Haven't  
12 seen him for a long time.  
13 THE COURT: So, if William Nichols came to testify  
14 and you were on the jury panel, could you judge his  
15 credibility the same way you would anyone else's-  
16 JUROR LOVELAND: Yes.  
17 THE COURT: -or would you give you more credibility  
18 or less or-  
19 JUROR LOVELAND: I would be fair.  
20 THE COURT: You would be fair. Thank you, ma'am.  
21 Go ahead and have a seat.  
22 Ma'am, your name?  
23 JUROR KECK: Vicki Keck.  
24 THE COURT: I missed the last name.  
25 JUROR KECK: Keck.

1 THE COURT: I see.  
2 Okay. Go ahead, ma'am.  
3 JUROR KECK: Gerry Luedecking.  
4 THE COURT: Okay. And how do you know  
5 Gerry Luedecking?  
6 JUROR KECK: My husband taught and coached his  
7 children, and he lives in our community.  
8 THE COURT: You know him well?  
9 JUROR KECK: No, I do not.  
10 THE COURT: Okay. Same question to you, then,  
11 ma'am. If he came to testify and you were on the jury in this  
12 case, could you judge his credibility the same way you would  
13 anyone else's?  
14 JUROR KECK: Yes, I could.  
15 THE COURT: All right. I appreciate that.  
16 Go ahead and have a seat.  
17 Start to my left.  
18 Sir, your name?  
19 JUROR WATSON: Dennis Watson.  
20 THE COURT: Go ahead, sir.  
21 JUROR WATSON: I also know Luedecking.  
22 THE COURT: How do you know him?  
23 JUROR WATSON: He's a friend.  
24 THE COURT: A close friend or—  
25 JUROR WATSON: No.

1 THE COURT: How long has it been since you've seen  
2 him?

3 JUROR WATSON: A couple months.

4 THE COURT: Do you talk to him about work?

5 JUROR WATSON: Yes.

6 THE COURT: If he came to testify in this case,  
7 could you be fair or would you give him more credibility  
8 because you know him as a friend?

9 JUROR WATSON: No, I'd be fair.

10 THE COURT: You—

11 JUROR WATSON: I could be fair.

12 THE COURT: You think you could be?

13 JUROR WATSON: Yeah.

14 THE COURT: Thank you, sir. You may have a seat.  
15 Sir, your name?

16 JUROR COMISKEY: Joe Comiskey—with a C.

17 THE COURT: All right. Go ahead, sir.

18 JUROR COMISKEY: Okay. I might know Richard Smith  
19 depending on—I mean, it's a common name. His middle name is  
20 . . . (unintelligible) might know him. Otherwise, I know him  
21 through work. I don't know him very well. I do believe I  
22 could be fair and listen to this trial.

23 THE COURT: Even if it was the Mr. Smith that you  
24 knew?

25 JUROR COMISKEY: Even so, yes.

1 THE COURT: I appreciate that, sir.  
2 Your name, sir?  
3 JUROR BATES: Halbert Bates.  
4 THE COURT: Go ahead.  
5 JUROR BATES: Tommy Morgan. I don't know if it's  
6 the same one.  
7 THE COURT: Sean Morgan?  
8 JUROR BATES: Tommy.  
9 THE COURT: Oh, Tom.  
10 All right. How is it that you know this individual?  
11 JUROR BATES: He's a friend, church member.  
12 THE COURT: Okay. Same question to you, sir.  
13 Could--  
14 JUROR BATES: Yes.  
15 THE COURT: Could you be fair if he came to testify  
16 and you were on the jury?  
17 JUROR BATES: Yes.  
18 THE COURT: Okay. You wouldn't give this person  
19 more or less credibility based on what you know?  
20 JUROR BATES: . . . (inaudible)  
21 THE COURT: All right. Appreciate that, sir. Go  
22 ahead and have a seat.  
23 Yes?  
24 JUROR VANHEUKELOM: Greg Vanheukelom. I'm racking  
25 my brain with Linda Underwood-Havens [sic] .

1 THE COURT: Okay.

2 JUROR VANHEUKELOM: If it's the one I know, I'm  
3 trying to figure out her maiden name—if it was Underwood. If  
4 it is, it's from church. But, if not the same one, a common  
5 name, so—

6 THE COURT: All right. And I don't know if the  
7 attorneys caught your name. Go ahead and re—

8 JUROR VANHEUKELOM: Greg Vanheukelom.

9 THE COURT: Thank you.

10 And I—I should say, too, for—we know each other.  
11 But, also, could you be fair if this person—

12 JUROR VANHEUKELOM: Yes.

13 THE COURT: —came to testify? So same question—

14 JUROR VANHEUKELOM: Yes.

15 THE COURT: —that I asked everyone else. Okay.

16 JUROR VANHEUKELOM: Correct.

17 THE COURT: I appreciate that, sir. Go ahead and  
18 have a seat.

19 All right. Is there anyone here who is not a  
20 resident of Kalamazoo County right now? Raise your hand.  
21 Everyone lives in Kalamazoo County.

22 Ma'am, stand up, please. What county do you live  
23 in?

24 JUROR NORTHAM: Berrien County.

25 THE COURT: How long have you lived in



1 Berrien County?

2 JUROR NORTHAM: Four days.

3 THE COURT: That explains why you're here.

4 JUROR NORTHAM: Yes.

5 THE COURT: And-I'm sorry.-your name, ma'am?

6 JUROR NORTHAM: Allison Northam.

7 THE COURT: With an N?

8 JUROR NORTHAM: Yes.

9 THE COURT: You are excused, ma'am. You can place  
10 your badge in-There should be a basket either on the left or  
11 the right side of the double doors.

12 JUROR NORTHAM: Okay. Thank you.

13 THE COURT: All right. Is there anyone here who  
14 has a case pending in Kalamazoo County that you are involved  
15 in? I am only interested in civil or criminal cases where you  
16 might be a party or a witness or somehow involved. I'm not  
17 interested in any family court matters-child custody issues,  
18 divorces, that type of thing.

19 So stand up if you are involved in some way in  
20 either a civil or criminal case in Kalamazoo County.

21 Sir, your name, first of all?

22 JUROR CALCO: Robert Calco.

23 THE COURT: With a K?

24 THE CLERK: C.

25 JUROR CALCO: With a C-C-a.

1 THE COURT: Oh, I see it. Okay.  
2 Go ahead, sir. Is it a criminal or a civil case?  
3 JUROR CALCO: It's a civil case. I represent my  
4 company. I don't believe—I checked before I came. I don't  
5 believe there's anything open now. There's some things in  
6 Grand Rapids in bankruptcy court, other things in other  
7 jurisdictions. I'm not an attorney.  
8 THE COURT: Okay. So what's the name of your  
9 company?  
10 JUROR CALCO: PNC Bank.  
11 THE COURT: So you have testified periodically for  
12 them?  
13 JUROR CALCO: Yes.  
14 THE COURT: Okay. I appreciate—  
15 JUROR CALCO: I'm no longer in that position now,  
16 but there are still things that linger and—  
17 THE COURT: That you're involved with?  
18 JUROR CALCO: Yes.  
19 THE COURT: I appreciate that. Go ahead and have a  
20 seat.  
21 Sir—  
22 JUROR RICE: Kyle Rice.  
23 THE COURT: —your name? I'm—  
24 JUROR RICE: Kyle Rice.  
25 THE COURT: All right. And a civil or criminal

1 case, sir?

2 JUROR RICE: Criminal.

3 THE COURT: Okay. And are you a party or—

4 JUROR RICE: Party.

5 THE COURT: Okay. Why don't you approach a moment,

6 sir.

7 I will also caution everyone, be careful when you

8 come through these double doors. They are very heavy.

9 Counsel, if you would approach.

10 And I will say sometimes we talk to people at the-by

11 way of a bench conference. We put some noise on in the

12 background. Please be quiet. We're still recording

13 everything, and so we might pick up what you're saying or it

14 might be difficult for the system to pick up what we're saying

15 if you're talking. So bear with us here.

16 (At 10:49 a.m., bench conference as follows:

17 THE COURT: Are you a—Are you being charged

18 with something or—

19 JUROR RICE: No, my daughter has actually been

20 raped, so that's—

21 THE COURT: Okay. So she's a victim?

22 JUROR RICE: Yeah.

23 THE COURT: Okay. So are you dealing with

24 someone from the prosecuting attorney's office—

25 JUROR RICE: Yes.

1 THE COURT: -here in Kalamazoo?

2 JUROR RICE: Yeah.

3 THE COURT: Okay. And-All right. I'm going  
4 to see if the attorneys have any questions for you a  
5 second. Okay?

6 JUROR RICE: Uhm-hmm.

7 THE COURT: Do you have any questions?

8 MR. CUSICK: No. You haven't had any contact  
9 with the attorney general's office?

10 JUROR RICE: No, not yet.

11 THE COURT: Okay. Do you have any questions,  
12 Mr. Champion?

13 MR. CHAMPION: So you're involved with the  
14 prosecutors . . . (inaudible)

15 JUROR RICE: Right.

16 MR. CHAMPION: And the fact that your daughter  
17 is a victim . . . (inaudible), would you be able to  
18 be fair and impartial?

19 JUROR RICE: Not really. I have a lot on my  
20 plate right now, to be honest with you.

21 THE COURT: Okay. All right. Why don't you  
22 step back a second. I'm going to talk to the  
23 attorneys, and then I'll let you know.

24 Any position with regards to Mr. Rice then?

25 MR. CUSICK: Well, he said he can't be fair

1 and impartial, so—  
2 THE COURT: I'm sorry. He can or cannot?  
3 MR. CUSICK: He said he cannot be fair and  
4 impartial.  
5 THE COURT: Okay.  
6 MR. CUSICK: So I don't have any objection if  
7 you want to excuse him.  
8 THE COURT: Okay.  
9 MR. CHAMPION: . . . (inaudible)  
10 THE COURT: Let me ask you—And he—Yeah, he was  
11 the one that indicated that he knew a couple of the  
12 witnesses, also.  
13 MR. CHAMPION: Yes.  
14 THE COURT: So—Okay. I'll go ahead and excuse  
15 him, then, for cause. All right.  
16 MR. CHAMPION: Thank you.)  
17 THE COURT: Sir, you are excused. You can place  
18 your badge in the basket. I think it's on the left side of  
19 the double doors back there.  
20 Thank you for your time today.  
21 All right. I'm going to just tell you a little bit  
22 about the trial process and when we take breaks and so forth  
23 and what the length of the trial is expected to be. We never  
24 know how long exactly a trial is going to last, so we're only  
25 giving you our best estimate. Sometimes they're shorter;

1 sometimes they're longer. I'm going to give you our best  
2 estimate. And so we believe that this trial is going to last  
3 two to three weeks.

4 Now the trial is not going to start until August 27.  
5 So we're going to pick a jury-however long that takes today,  
6 tomorrow maybe. We think it'll-We think we'll finish today.  
7 And then I will give you some-some instructions that you have  
8 to follow. And then you're going to report back on August 27,  
9 and we will just start with opening statements and calling of  
10 witnesses and so forth.

11 We run trials Tuesday through Friday. We might not  
12 go a full day on Friday. Right now we're planning on it, but  
13 I'll just have to let you know as the trial progresses where  
14 we're at. Unfortunately, there's some other things that  
15 sometimes I have to take care of. So it does somewhat depend  
16 on what's going on with other cases and so forth.

17 We do not-You will not be here on a Monday unless  
18 you're deliberating. Then you might be here on a Monday. But  
19 that would be-It wouldn't be within the first one or two  
20 Mondays.

21 We also have Labor Day in there. So that  
22 particular-That would be the second week of trial. So,  
23 obviously, you wouldn't be here on Monday because the court's  
24 closed. And then that Tuesday becomes our Monday here at the  
25 court, so you wouldn't be in trial that Tuesday. So, that

1 week, you would only be here Wednesday through Friday.

2 So that's my best estimate as to the length of this  
3 trial. You would be here on the 27<sup>th</sup>, which is a Tuesday.  
4 You'd go Tuesday through Friday. The next week is Labor Day.  
5 You would go Wednesday through Friday.

6 We believe we'll have our part of the trial wrapped  
7 up by then. That's the plan. Sometimes we're delayed. It  
8 might be a little bit quicker, it might be—go into the next  
9 week.

10 And so let me just tell you a second about what that  
11 means. That means I have some initial instructions that I  
12 give to you. Then I turn it over to the attorneys for opening  
13 statements, if they choose to give an opening statement. Then  
14 they call their witnesses and introduce all of their evidence.  
15 Then they have an opportunity for closing arguments. And then  
16 I have final instructions to give to you, and then you begin  
17 deliberating. So that's the process there.

18 And so we believe all of that would, hopefully, wrap  
19 up—Again, this is an estimate.—by the Friday of Labor Day  
20 week. That's, again, an estimate. And then we turn it over  
21 to you for deliberations.

22 We never know how long you're going to deliberate,  
23 so that's why I'm just giving us a little buffer there. It  
24 might go into a third week. That's why I'm telling you that.  
25 And this is an estimate.

1                   We generally will start around 9:00 o'clock in the  
2 morning. I will do my best to get you out of here by  
3 5:00 o'clock. I will say, if we have a witness on the stand  
4 and it looks like we might go five, ten, 15 minutes after  
5 5:00, I will normally stop somewhere around 4:30, quarter to  
6 5:00 and say, can we finish the witness, is that okay with  
7 everyone, do you need to make any phone calls. And, if you  
8 can't stay, then you can't stay. That's fine. We'll end for  
9 the day.

10                   If everyone is okay with staying a little bit  
11 longer, we may do that. That's not the plan. I have staff,  
12 and our buildings close at 5:00. So there are other things,  
13 certainly, that we have to worry about. But I'm trying to  
14 work around your schedules, too. We'll do my best to get you  
15 out of here by 5:00 o'clock.

16                   I generally will give you an hour to an hour and a  
17 half during the lunch hour. The attorneys and I can handle  
18 things during the lunch hour, so sometimes it's a little bit  
19 longer than an hour.

20                   And I generally will try to break once in the  
21 morning every--after an hour and a half or so and once in the  
22 afternoon after an hour and a half or so.

23                   If, at anytime you need to take a break and you're  
24 on the jury, just raise your hand, please. Let us know, and  
25 we'll address your break, certainly. But that's the general



1 schedule.

2 Obviously, jury duty is such an important  
3 responsibility that all of us have. I'm sure some of you have  
4 already gone through this process, and you certainly  
5 understand the importance of it for the parties and for the  
6 attorneys and for all of us as a society.

7 I certainly also understand, given the economy that  
8 we have and other issues going on in everyone's life, it may  
9 be an extreme hardship for some of you to sit on a jury for  
10 that length of time.

11 So I'm going to—

12 Some of you also might have some health issues or  
13 concerns that might prevent you from sitting on a jury.

14 We all have either jobs or family or other things  
15 that we're taking care of, and I know it's a hardship for  
16 every single one of you to be here.

17 Some of you might be starting school at that time.  
18 Some of you might have young kids and you might have to deal  
19 with childcare and so forth. And, again, those are all issues  
20 that many of us have to address. Every person that sits on a  
21 jury has to rearrange their schedules.

22 But I do need to know if it's going to be an extreme  
23 hardship for any of you to be on a jury for that length of  
24 time.

25 So I'm going to address those in a moment. I'm

1 going to let you know what I am looking for when I talk about  
2 an extreme hardship.

3 If any of you have any surgeries maybe scheduled  
4 during that time frame; if you have some prepaid vacation or  
5 prepaid business trips, I'd be happy to address those. If,  
6 given your financial situation, you might miss a house payment  
7 or a car payment and you're not—I'm sure many of you are not  
8 getting paid for being here.—I'd be happy to address that. So  
9 those are the type of things that I am looking for.

10 And, again, it's a hardship for everyone. I know  
11 that. So I'm really looking for extreme hardships here.

12 If you don't feel comfortable speaking with us about  
13 your issue or issues, if you have them, let me know, again,  
14 because I can bring you up to the bench and we can address  
15 these things by way of a bench conference.

16 Sometimes this process takes a while, so just bear  
17 with us here.

18 So, if there is anyone who has an extreme hardship  
19 that you want to address with us, please stand.

20 Okay. So, first of all, I'm going to start to my  
21 left. And, again, just a reminder to speak up. Let me know  
22 if you don't feel comfortable speaking in open court.

23 I need your name, ma'am.

24 JUROR HEYWOOD: Sharla Heywood.

25 THE COURT: Okay. Go ahead, ma'am. You feel

1 comfortable talking?

2 JUROR HEYWOOD: Yeah.

3 THE COURT: Okay. Go ahead.

4 JUROR HEYWOOD: I have already made reservations  
5 for next week out of state.

6 THE COURT: Okay. So you're leaving next week.  
7 And when are you coming back?

8 JUROR HEYWOOD: Not till Sunday.

9 THE COURT: All right. So we're not going to be  
10 here next week. I will release you—Once we select the jury,  
11 I'll release you and have you report back August 27. So it  
12 sounds like that's okay.

13 JUROR HEYWOOD: Yes, I'm leaving on a Friday.

14 THE COURT: All right. So I appreciate that. You  
15 can go ahead and have a seat, ma'am.

16 Sir, your name?

17 JUROR BOSTICK: Josh Bostick.

18 THE COURT: I missed the last name.

19 JUROR BOSTICK: Bostick.

20 THE COURT: With a B.

21 JUROR BOSTICK: I work—I pretty much work every  
22 day, so—And I—

23 THE COURT: Where—Okay. Where do you work, sir?

24 JUROR BOSTICK: I cook at Noodles & Company.

25 THE COURT: Okay.

1 JUROR BOSTICK: That's going to—My rent—That's  
2 going to—  
3 THE COURT: That will be difficult for you. Is  
4 that—  
5 JUROR BOSTICK: Yeah.  
6 THE COURT: —what you're indicating?  
7 JUROR BOSTICK: Yes, ma'am.  
8 THE COURT: Okay. So you work full time there?  
9 JUROR BOSTICK: Yes, ma'am.  
10 THE COURT: And they don't pay you for being here?  
11 JUROR BOSTICK: Yes.  
12 THE COURT: Okay. I appreciate—  
13 JUROR BOSTICK: I had to request off and all that  
14 today.  
15 THE COURT: Okay. Now would they work with you and  
16 let you work days that you're not in trial, do you know?  
17 JUROR BOSTICK: I don't know. There's no telling,  
18 really.  
19 THE COURT: Okay.  
20 JUROR BOSTICK: I'd probably have to just request  
21 it off; but that's going to hurt me, though.  
22 THE COURT: I appreciate that, sir. You can have a  
23 seat.  
24 Okay. Sir—  
25 I'm going to stick with the front row a second.

1 Sir, your name?

2 JUROR SHAWN NEAL: Shawn Neal.

3 THE COURT: Go ahead, sir.

4 JUROR SHAWN NEAL: I'm the only income at the house  
5 right now, and I work nights-12-hour shifts.

6 THE COURT: Where do you work, sir?

7 JUROR SHAWN NEAL: Elkhart Plastics, Middlebury.

8 THE COURT: So you're indicating it would  
9 financially be difficult for you, also?

10 JUROR SHAWN NEAL: Yes, ma'am.

11 THE COURT: Now let me ask you, also, do you work  
12 the weekends down there or no?

13 JUROR SHAWN NEAL: Yes.

14 THE COURT: You do.

15 JUROR SHAWN NEAL: Yeah.

16 THE COURT: Could you talk to someone and see if  
17 you could work the evenings that we're not in trial? So it  
18 would be four days one week and three days the next week. We  
19 know that.

20 JUROR SHAWN NEAL: It's possible.

21 THE COURT: If you were able to get work, then, on  
22 the days that we're not in trial, would you be okay  
23 financially?

24 JUROR SHAWN NEAL: Yeah.

25 THE COURT: All right. So you might just need to

1 make a phone call and see if they would be willing to work—  
2 JUROR SHAWN NEAL: All right.  
3 THE COURT: —around that schedule. And we could  
4 certainly provide you a letter indicating what our schedule  
5 was going to be. Okay. I appreciate that, sir.  
6 JUROR SHAWN NEAL: Thank you.  
7 THE COURT: Ma'am, your name?  
8 JUROR WILSON: Brianna Wilson.  
9 THE COURT: All right. Go ahead.  
10 JUROR WILSON: I have transportation issues. Like  
11 a lot of times I'm not going to be able to make it 'cause I'm  
12 not going to have money for the bus. Or my ride, he normally  
13 works in the morning and stuff like that—like way early in the  
14 morning—and he get off at 5:00. And I wouldn't have really  
15 good—excellent transportation.  
16 THE COURT: I appreciate that.  
17 Just so I'm clear, do you have more than one  
18 individual that might be able to give you a ride?  
19 JUROR WILSON: No.  
20 THE COURT: Okay. Thank you, ma'am. I appreciate  
21 that.  
22 All right. So I'm going to start with the left side  
23 here, front row. I'm going to start to my right.  
24 Ma'am, your name?  
25 JUROR TEAL: Rebecca Teal.

1 THE COURT: Go ahead.

2 JUROR TEAL: My hardship's not necessarily for the  
3 trial but for today. I am supposed to have job interview.

4 THE COURT: What time?

5 JUROR TEAL: Noon.

6 THE COURT: If you don't feel comfortable answering  
7 this in open court, let me know, but where at?

8 JUROR TEAL: Parchment High School.

9 THE COURT: Any idea how long that would last?

10 JUROR TEAL: I'm not assuming that it would last  
11 more than an hour.

12 MR. CHAMPION: May we approach, your Honor?

13 THE COURT: Yes.

14 (At 11:03 a.m., bench conference as follows:

15 MR. CHAMPION: I'm the attorney for Parchment.  
16 I could probably make a phone call and help her out  
17 if it's a problem . . . (inaudible)

18 THE COURT: Okay. If she's on the jury—Well,  
19 I'm wondering when we're going to get done. We  
20 might just be okay and get her there. Okay.

21 MR. CUSICK: . . . (inaudible) to make a call,  
22 I don't have a problem with that.

23 THE COURT: Do you know the number offhand?

24 MR. CHAMPION: . . . (inaudible)

25 THE COURT: Why don't you both—

1 MR. CUSICK: I would rather be part of the  
2 call-  
3 THE COURT: Yeah.  
4 MR. CUSICK: -just so I-  
5 THE COURT: Just go back and see if you can  
6 indicate that she's here, we'd like to see if you  
7 could arrange a different-  
8 MR. CHAMPION: . . . (inaudible) has an  
9 interview.  
10 THE COURT: Yeah. Okay.  
11 MR. CHAMPION: Could we have her come up for  
12 just a second . . . (inaudible)  
13 THE COURT: Can you approach, please.  
14 THE COURT: Who are you interviewing with?  
15 JUROR TEAL: I believe it's the principal, I'm  
16 showing.  
17 THE COURT: For-  
18 MR. CHAMPION: Which school?  
19 THE COURT: -what job?  
20 JUROR TEAL: It's a Spanish-  
21 THE COURT: A Spanish-  
22 JUROR TEAL: -teacher-  
23 THE COURT: -class.  
24 JUROR TEAL: -at Parchment High School.  
25 THE COURT: We're going to-I'm going to have



1 the attorneys step out. We're going to make a phone  
2 call and see if we can get your interview moved till  
3 later on in the week.

4 JUROR TEAL: Okay.

5 THE COURT: Is that okay?

6 JUROR TEAL: Yeah.

7 THE COURT: Okay. You'd be okay with that.

8 So why don't you go ahead and have a seat back,  
9 and I'll let both attorneys, then—

10 I don't know if the office—It should be  
11 unlocked. I think you should be able to go this  
12 way.

13 MR. CUSICK: This way? Okay.

14 JUROR TEAL: Okay.

15 THE COURT: Thank you.

16 JUROR TEAL: Thanks.)

17 (At 11:05 a.m., Messrs. Cusick and Champion exit  
18 courtroom)

19 THE COURT: All right. So give us one moment here.  
20 If you want to stand and stretch, you're all welcome to do  
21 that. We're still recording. But we're just waiting for the  
22 attorneys to return a second here. You don't have to, but  
23 you're welcome to.

24 Just a reminder, folks, we're still on the record,  
25 so just please be quiet.

1 (At 11:09 a.m., Messrs. Cusick and Champion return  
2 to courtroom)  
3 (At 11:09 a.m., bench conference as follows:  
4 MR. CHAMPION: It looks like they're doing the  
5 job interviews today at different slots.  
6 THE COURT: Okay.  
7 MR. CHAMPION: So—  
8 MR. CUSICK: We don't have an objection, I  
9 don't think—  
10 MR. CHAMPION: She's number 60 [sic] on the  
11 list, so—we have no objection to kicking her for  
12 cause, or do you want to wait?  
13 THE COURT: Okay.  
14 MR. CHAMPION: If she—  
15 THE COURT: Given—I'm going to see how long we  
16 go. Maybe we'll just break for lunch a little early  
17 and let her go to the interview and come back.  
18 MR. CUSICK: Whatever you want, Judge; but I  
19 wouldn't have any objection. It's one of those—  
20 THE COURT: We might have to call and say she  
21 might be a little late. How often are they doing  
22 them, do you know?  
23 MR. CHAMPION: Pardon? Probably every hour,  
24 sounds like.  
25 THE COURT: You know what? I better just—

1 MR. CHAMPION: So she should-  
2 THE COURT: -let her-  
3 MR. CHAMPION: Huh?  
4 THE COURT: I better just let her go. I'll  
5 let her go.  
6 Okay. One other one, too. I have an  
7 information that-  
8 MR. CHAMPION: Well, I'm waiting for a call  
9 back if you want to wait just a few minutes before  
10 we do that. They're going to check with the  
11 principal to see if there's another day.  
12 THE COURT: Oh, they are going to check and  
13 then you're going to-You're-They're going to text  
14 you or something?  
15 MR. CHAMPION: They're going to call me.  
16 THE COURT: Okay.  
17 MR. CHAMPION: So I may-I'll just stand up and  
18 ask for-to step out for a moment.  
19 THE COURT: All right. So we'll see-We'll  
20 give her a few minutes and see. And then, when they  
21 MR. CHAMPION: They're calling back right now.  
22 THE COURT: Okay. Go ahead and-)  
23 (At 11:11 a.m., Messrs. Cusick and Champion exit  
24 courtroom)  
25 THE COURT: Sorry. Thank you for your patience.

1 THE DEFENDANT: Your Honor, may I address the  
2 Court?

3 THE COURT: Hold on.

4 (At 11:12 a.m., Messrs. Cusick and Champion return  
5 to courtroom)

6 (At 11:12 a.m., bench conference as follows:

7 MR. CUSICK: It's going to be for tomorrow  
8 afternoon.

9 THE COURT: They can-

10 MR. CHAMPION: They're going to do it-

11 THE COURT: They can do it-

12 MR. CHAMPION: -tomorrow afternoon.

13 THE COURT: -tomorrow. Okay. Perfect.

14 Mr. Steel just wanted-indicated he wanted to  
15 address the Court, so you better talk to him and  
16 then come back up here.

17 MR. CHAMPION: Sure.

18 THE COURT: See if he needs something a  
19 second.

20 And I'll-Just talk to him a second, come back  
21 up and-)

22 (At 11:12 a.m., off record discussion between  
23 Mr. Champion and defendant)

24 THE COURT: Ma'am, can you approach, please.  
25 Counsel, will you approach, please.

1 MR. CUSICK: Oh, sorry.  
2 (At 11:12 a.m., bench conference as follows:  
3 THE COURT: Okay. So they're going to  
4 reschedule your interview to tomorrow afternoon, and  
5 we'll give you the information there over the lunch  
6 hour. So—  
7 JUROR TEAL: Okay.  
8 THE COURT: —just so that you're aware of  
9 that. So you can go back and have a seat.  
10 JUROR TEAL: Okay. Thank you.  
11 THE COURT: Okay.  
12 MR. CHAMPION: They'll e-mail you—  
13 THE COURT: Just a second. We'll give the  
14 information in a second. I need you here, though.  
15 You can go have a seat.  
16 JUROR TEAL: Thank you.  
17 THE COURT: I just don't want her to know  
18 where it's coming from.  
19 Do we need something for Mr. Steel or no?  
20 MR. CHAMPION: Mr. Steel needs to use the  
21 restroom.  
22 THE COURT: Okay. So—Okay. Like right now,  
23 so we need a break? Okay.)  
24 THE COURT: Okay. We're going to take a break for  
25 about ten minutes here. I will caution you we might go into

1 the lunch hour a little bit. So we might take our noon break  
2 about 12:15 to 12:30 just so that we can kind of keep moving.

3 I need Ms. Teal—

4 It's Ms. Teal?

5 —to stay, Audrey Lamere to stay, and Christine Brown  
6 to stay. Everyone else can go upstairs with Ms. Wint. All  
7 right.

8 All rise. Be careful of the steps, and you can  
9 follow Ms. Wint out.

10 (At 11:14 a.m., jury panel, with the exception of  
11 Jurors Teal, Lamere, and Brown, exits courtroom)

12 You may be seated.

13 All right. So, Ms. Teal, we will get you the  
14 information after we break for—take this break, and we'll let  
15 you know what's going on there.

16 I have information that—

17 And I don't know if I have you switched.

18 —Ms. Lamere is eight months pregnant.

19 Is that correct?

20 JUROR LAMERE: Yes.

21 THE COURT: Okay. I'm going to excuse you because  
22 you're not coming back for three weeks, and my guess is you  
23 might be busy by then.

24 JUROR LAMERE: Yeah. Thank you.

25 THE COURT: So you are excused, ma'am. Place your

1 basket [sic]—or badge in the basket there, if you would.  
2 And thank you for your time.  
3 JUROR LAMERE: Thanks.  
4 THE COURT: So that's Audrey Lamere.  
5 And I have information that—  
6 Ms. Brown, you have a young child at home; is that  
7 correct?  
8 JUROR BROWN: . . . (inaudible)  
9 THE COURT: Okay.  
10 JUROR BROWN: . . . (inaudible) prepare her to take  
11 a bottle.  
12 THE COURT: Okay. So you're getting to—You're  
13 going that route now?  
14 JUROR BROWN: I'm nursing. . . . (inaudible)  
15 THE COURT: Right.  
16 JUROR BROWN: She's—She won't take from the bottle,  
17 but—  
18 THE COURT: She won't.  
19 JUROR BROWN: —we're trying with a dropper all we  
20 can do.  
21 THE COURT: Okay. Is this the first day you've  
22 been away from her then?  
23 JUROR BROWN: Yes.  
24 THE COURT: And she has not been successful at  
25 taking a bottle.

1 I'm going to excuse you, too. All right.  
2 And so all--You--You're excused.  
3 Ms. Teal, let me see if I can grab one person to  
4 bring you upstairs.  
5 Thank you.  
6 Okay. So Mr. Dye is going to come and--Eric Dye is  
7 Judge Giguere's law clerk, and I just want him to escort you  
8 upstairs.  
9 Thank you. She's seated right in the front.  
10 All rise.  
11 And we'll bring you back down in about ten,  
12 15 minutes with the rest of them.  
13 (At 11:18 a.m., Juror Teal exits courtroom)  
14 You may be seated.  
15 And, while the attorneys were out, Mr. Steel was  
16 trying to talk to me. I'm assuming you just needed a break.  
17 Is that what you were trying--Okay.  
18 THE DEFENDANT: Yeah, 'cause--  
19 THE COURT: Give me a little bit of a heads-up  
20 so--Because, obviously, it takes a while to get you out of  
21 here.  
22 Counsel, any objections to me excusing Ms. Lamere  
23 and Brown?  
24 MR. CUSICK: No objection, your Honor.  
25 MR. CHAMPION: No objection--



1 THE COURT: Okay.

2 MR. CHAMPION: -your Honor.

3 THE COURT: We'll let Mr. Steel take a break real  
4 quick, and we'll bring you back up in about ten minutes or so.

5 THE DEFENDANT: Thank you.

6 THE COURT: Okay?

7 MR. CHAMPION: Thank you.

8 THE COURT: Court's in recess

9 (At 11:19 a.m., court recessed)

10 (At 11:32 a.m., proceedings reconvened)

11 THE CLERK: The court recalls the case of People of  
12 the State of Michigan versus Samuel Steel, case number  
13 C11-1983 FC.

14 Parties, please restate appearances for the record.

15 MR. CUSICK: Paul Cusick on behalf of the People.

16 MR. CHAMPION: May it please the Court,  
17 Robert Champion appearing in behalf of Samuel Steel.

18 THE COURT: All right, Counsel.

19 So the jury, I think, is on the way down.  
20 Apparently, the line to the restroom was quite lengthy, so it  
21 might take them a second.

22 With regards to count three—because we didn't  
23 address this—when I read the information, I'm simply planning  
24 on reading did possess a firearm when ineligible to do so  
25 because of a prior conviction and the requirements for

1 regaining eligibility had not been met. Is that okay, or do  
2 you want-

3 MR. CUSICK: Yes-Yes, your Honor.

4 Is there a stipulation-

5 MR. CHAMPION: That's fine, your Honor.

6 MR. CUSICK: -for pur-

7 MR. CHAMPION: I would stipulate to.

8 MR. CUSICK: Yeah, and for the trial-

9 THE COURT: Right. There might-

10 MR. CUSICK: -there's a stipulation-

11 THE COURT: -be a stipulation as to which one we're  
12 talking about, and that's fine. But you want me to just read  
13 it that way right now?

14 MR. CHAMPION: That's correct.

15 THE COURT: Okay.

16 MR. CUSICK: Thank you, your Honor.

17 THE COURT: Uhm-hmm.

18 Anything else we need to address, Counsel, before  
19 the jury comes in?

20 MR. CUSICK: No, your Honor.

21 (Off record conversation while awaiting jury)

22 THE COURT: All rise.

23 (At 11:40 a.m., jury panel returns to courtroom)

24 THE COURT: You may be seated.

25 Ma'am, I don't know if-Can you see okay over there?

1 UNIDENTIFIED JUROR: Yes.

2 THE COURT: All right. You're fine.

3 All right. So welcome back, ladies and gentlemen.

4 All right. So we were dealing with hardship issues.

5 And now I have to have all of you stand, who want to address

6 the Court, again with regards to a hardship issue.

7 Okay. Sir, your name, first of all?

8 JUROR TURNER: Bruce Turner.

9 THE COURT: Go ahead, sir.

10 JUROR TURNER: I will be on vacation—reservations

11 made—September 8<sup>th</sup>.

12 THE COURT: For how long?

13 JUROR TURNER: Two weeks. Out of state.

14 THE COURT: So that is the Sunday after Labor Day?

15 JUROR TURNER: Yes.

16 THE COURT: All right. I appreciate that.

17 All right. I'm going to start to my left on the

18 left—on my left, I should say.

19 Your name, first of all?

20 JUROR VERBRUGGE: Kathryn Verbrugge.

21 THE COURT: Go ahead.

22 JUROR VERBRUGGE: I'll be in Honduras

23 . . . (inaudible)

24 THE COURT: I'm going to go ahead and excuse you.

25 Thank you, ma'am, for your time. You can place your

1 badge in the basket by the double doors. Have a safe trip.

2 JUROR VERBRUGGE: Thank you.

3 THE COURT: Your name, ma'am?

4 JUROR HAYS: Jennifer Hays.

5 THE COURT: Go ahead, ma'am.

6 JUROR HAYS: I have a couple of things. I am the

7 only one in the household that has a full-time job. We just

8 bought a house, and I'm paying the bills.

9 The other thing is I just started this new job, and

10 over-up until September 9<sup>th</sup>, there's really extensive training

11 . . . (inaudible) for the job that I was hired for

12 . . . (inaudible) the 8<sup>th</sup> and 9<sup>th</sup>.

13 THE COURT: Okay. Where are you working now?

14 JUROR HAYS: PNC Bank.

15 THE COURT: And you feel comfortable speaking about

16 your financial situation, or you want to approach?

17 JUROR HAYS: Approach.

18 THE COURT: Okay. Go ahead and do that. I don't

19 know if it's easier to sneak across that front row there or-

20 Watch those double doors. They're heavy.

21 Counsel, will you please approach.

22 (At 11:47 a.m., bench conference as follows:

23 THE COURT: Okay. So you have kids at home

24 or-

25 JUROR HAYS: Yeah, I have a seven-month old.

1 THE COURT: Okay.

2 JUROR HAYS: My husband does work, but he only

3 works a couple hours in the evening during the week.

4 THE COURT: Okay.

5 JUROR HAYS: So his barely even pays for

6 . . . (inaudible)

7 And we're trying . . . (unintelligible) house,

8 and I have to make the payments, as well as the new

9 bills that-

10 THE COURT: Okay.

11 JUROR HAYS: -come up with owning the house.

12 THE COURT: When did you buy the house?

13 JUROR HAYS: I'm sorry?

14 THE COURT: When did you buy the house?

15 JUROR HAYS: We bought it-We moved in

16 beginning of June.

17 THE COURT: Okay.

18 JUROR HAYS: The big sum has been paid. We're

19 doing like a rent-to-own thing.

20 THE COURT: Okay. All right. I appreciate

21 that.

22 And so I'm assuming-Is PNC paying you to be on

23 jury duty or no?

24 JUROR HAYS: No, because I'm just a temporary.

25 THE COURT: Okay.

1 JUROR HAYS: I'm only hired on for that  
2 project that starts the 11<sup>th</sup>.  
3 THE COURT: I see. Okay.  
4 Any questions?  
5 MR. CUSICK: So the training is not something  
6 that can be changed--another time for you to train?  
7 It's . . . (inaudible) set for multiple employees?  
8 JUROR HAYS: Yeah, it's set for multiple  
9 employees. I'm actually missing today's training,  
10 and I'm just kind of . . . (inaudible)  
11 MR. CUSICK: Okay.  
12 THE COURT: Okay. Any questions?  
13 All right. Why don't you step back a second,  
14 ma'am?  
15 JUROR HAYS: Okay. You want me to just sit  
16 back down or just--  
17 THE COURT: Just a couple steps, and I'll talk  
18 to the attorneys.  
19 Any position?  
20 MR. CUSICK: Extreme hardship. I don't have  
21 a--I don't have an objection if the Court wants to  
22 let her go for cause.  
23 MR. CHAMPION: Since it's temporary, I don't  
24 have an objection.  
25 THE COURT: Yeah, I think I'm going to go

1 ahead and excuse her. It sounds like they're kind  
2 of-they're financially up and down-  
3 MR. CUSICK: Right.  
4 THE COURT: -depending on what's going on, so  
5 I'll go ahead and excuse her.  
6 Thank you.)  
7 THE COURT: Ms. Hays, I'm going to go ahead and  
8 excuse you, ma'am. Thank you for your time today.  
9 You can place your badge in the basket by the  
10 double doors.  
11 Front row. Your name?  
12 JUROR DODSON: Richard Dodson.  
13 THE COURT: Go ahead, sir.  
14 JUROR DODSON: I have a permanent residence in  
15 Kalamazoo, but next week I'll be moving up to Holland to begin  
16 my senior year of college. Classes begin on the  
17 . . . (inaudible)  
18 THE COURT: What grade are you-or what, I guess-  
19 JUROR DODSON: I'll be a senior.  
20 THE COURT: You're going to be a senior.  
21 And what classes are you taking?  
22 JUROR DODSON: I'm taking two philosophy courses, a  
23 communication course, a music course. Three of them are  
24 400 upper level.  
25 THE COURT: Do you have any idea what your

1 schedule's going to look like yet?

2 JUROR DODSON: My classes are on Tuesdays and  
3 Thursdays primarily. Then I have rehearsals throughout the  
4 rest of the week.

5 THE COURT: Now I will say—So your permanent  
6 residence is still technically Kalamazoo, though?

7 JUROR DODSON: Yes, although I have changed my  
8 address for my driver's license and voter registration for  
9 Holland.

10 THE COURT: You have.

11 JUROR DODSON: Yes. My driver's license has  
12 Holland . . . (inaudible)

13 THE COURT: I'm going to go ahead and excuse you  
14 then. Thank you, sir. We appreciate your time.

15 JUROR DODSON: Thank you.

16 THE COURT: Your name?

17 JUROR BACON: Carol Bacon.

18 THE COURT: Go ahead.

19 JUROR BACON: I will be on vacation from August 29<sup>th</sup>  
20 to September 6<sup>th</sup>.

21 THE COURT: Out of town?

22 JUROR BACON: Yes.

23 THE COURT: I will go ahead and excuse you.  
24 Thank you, ma'am.

25 MR. CHAMPION: Your Honor, . . . (inaudible)



1 THE COURT: Bacon. Carol Bacon.  
2 Thank you, ma'am.  
3 Your name, sir?  
4 JUROR GLINSKY: David Glinsky.  
5 THE COURT: With an L?  
6 JUROR GLINSKY: Glinsky, with a G.  
7 THE COURT: All right. Go ahead, sir.  
8 JUROR GLINSKY: I'll be going back to school  
9 . . . (inaudible) at KVCC.  
10 THE COURT: Okay. When do you start?  
11 JUROR GLINSKY: I'm not sure of the exact date.  
12 THE COURT: Do you know if it's before or after  
13 Labor Day, or don't you know?  
14 JUROR GLINSKY: I'm not sure . . . (inaudible)  
15 THE COURT: Okay.  
16 JUROR GLINSKY: I'm also starting a job at the end  
17 of this week, but the training's throughout the rest of the  
18 month before I start working.  
19 THE COURT: Where are you working?  
20 JUROR GLINSKY: . . . (inaudible)  
21 THE COURT: I'm sorry?  
22 JUROR GLINSKY: . . . (unintelligible)  
23 THE COURT: And you're going to start that the end  
24 of the week?  
25 JUROR GLINSKY: Yes. . . . (inaudible) training's

1 on Friday.

2 THE COURT: Are you residing by yourself or with  
3 family members or—

4 JUROR GLINSKY: I reside by myself.

5 I also am a single father, so by the time  
6 . . . (inaudible) dropped my son off in Jackson yesterday  
7 . . . (inaudible)

8 THE COURT: Okay. So it sounds like your son,  
9 though, resides in Jackson most of the time or—

10 JUROR GLINSKY: No, he lives with me in Kalamazoo.

11 THE COURT: Okay. How old is he?

12 JUROR GLINSKY: He's ten.

13 THE COURT: All right. So he'll go to school end  
14 of August or after September here—

15 JUROR GLINSKY: Yes.

16 THE COURT: —in Kalamazoo? Okay.

17 Now what classes are you taking at KVCC, do you  
18 know?

19 JUROR GLINSKY: I have general psychology, math and  
20 statistics, . . . (inaudible)

21 THE COURT: Do you know what your schedule is as  
22 far as evenings, days, when you're taking the—

23 JUROR GLINSKY: My class schedule is Monday morning  
24 8:00 to 9:30, and then on Tuesdays till 12:20. On Wednesdays,  
25 I go to 1:40. On Thursday, I go to 12:20 as well.

1           THE COURT:   Are you going to start working part—Are  
2   you working part-time, then, because of your class schedule,  
3   or full time?

4           JUROR GLINSKY:   They start you as part-time through  
5   the training . . . (inaudible)

6           THE COURT:   All right.  I appreciate that, sir.  
7   You can go ahead and have a seat.

8           Your name, sir?

9           JUROR BATES:   Halbert Bates.

10          THE COURT:   Go ahead.

11          JUROR BATES:   I'm the primary caregiver for a  
12   non-adult special need person.

13          Also, . . . (inaudible) part-time job where I have  
14   training's on Wednesday right now . . . (inaudible) training  
15   session on the 27th.

16          THE COURT:   Where is that at, sir?

17          JUROR BATES:   KPS.

18          THE COURT:   And what is the new position there,  
19   sir?

20          JUROR BATES:   Coaching.

21          THE COURT:   And what will you be coaching?

22          JUROR BATES:   Cross-country.

23          THE COURT:   Will your practices be every day?

24          JUROR BATES:   Starting on the 26th, every day.

25          THE COURT:   And there's another coach, it sounds

1       like, working with you?

2               JUROR BATES:    Yeah, we're part time.  We kind of  
3       split . . . (inaudible) because that person is also a student.

4               THE COURT:    And what time are your practices, do  
5       you know?

6               JUROR BATES:    The week of the 26th from 9:00 until  
7       11:00.  And then the following--Following when school starts,  
8       . . . (inaudible) 3:00 to 5:00.

9               THE COURT:    Three to 5:00.

10              All right.  Obviously, you have someone covering for  
11       you today for the individual that you're primary--that you're  
12       the healthcare provider for?

13              JUROR BATES:    Yes, had to take off work.

14              THE COURT:    Okay.  I appreciate that information,  
15       sir.  You can go ahead and have a seat.

16              Your name?

17              JUROR JOSEPH:   Patricia Joseph.

18              THE COURT:    With a J?

19              JUROR JOSEPH:   Yeah.

20              THE COURT:    And I'm having a hard time hearing you.  
21       You're going to have to speak up just a little bit.

22              Go ahead, ma'am.

23              JUROR JOSEPH:   Well, I work part time in a small  
24       pottery studio.  She cannot afford to compensate me for the  
25       time that I'm here.

1           But it's also that what-what time I can't create the  
2 inventory, that's inventory my boss is not  
3 . . . (unintelligible) to sell. So I'm compromising not just  
4 my own financial stability but his if I'm gone for an extended  
5 period of time.

6           THE COURT:    Okay. So we're looking at maybe four  
7 days one day-one week and three days the next.

8           JUROR JOSEPH:   It's also a matter of the  
9 convergence of the actual dates because my husband is also an  
10 artist and will be out of town at a festival for the Labor Day  
11 weekend and needs my help preparing for that transporting  
12 inventory . . . (inaudible)

13           I'm also deeply involved in volunteer work, which is  
14 grant-funded; and our report is due the 31<sup>st</sup>.

15           THE COURT:    At which-Where do you volunteer?

16           JUROR JOSEPH:   I'm volunteering with  
17 . . . (inaudible) on the west side of town . . . (inaudible)  
18 involved in . . . (inaudible) writing those grant reports.

19           THE COURT:    All right. I appreciate that  
20 information. Have a seat.

21           I'm going to go to my left.

22           Your name?

23           JUROR HEYWOOD:   Sharla Heywood.

24           THE COURT:    Go ahead.

25           JUROR HEYWOOD:   I do have a vacation appointment

1           September 16<sup>th</sup> through the 20<sup>th</sup>, also.

2           THE COURT:    So you're going out of town?

3           JUROR HEYWOOD:   Yes.

4           THE COURT:    Okay.  On the 16<sup>th</sup>—

5           JUROR HEYWOOD:   Correct.

6           THE COURT:    —of September?

7           Thank you, ma'am.

8           Your name?

9           JUROR KAISER:   Kimberly Kaiser.

10          THE COURT:    Go ahead.

11          JUROR KAISER:   I am a single parent and the only

12          source of income for myself and my two daughters.

13          THE COURT:    Where do you work, ma'am?

14          JUROR KAISER:   . . . (inaudible) apartment complex.

15          THE COURT:    What are your hours?

16          JUROR KAISER:   Monday through Friday 9:00 to 5:00.

17          THE COURT:    Are you indicating, then, that you just

18          won't be able to pay your bills if you're here?

19          JUROR KAISER:   Right . . . (inaudible)

20          THE COURT:    Thank you.  You may have a seat.

21          All right.  Front row.

22          Sir, your name?

23          JUROR BURKETT:   Brad or Bradley Burkett.

24          THE COURT:    Go ahead.

25          JUROR BURKETT:   I'm a sole proprietor of my own

1 business—I'm a farrier, a horseshoer.—and—

2 THE COURT: I missed it. What is it?

3 JUROR BURKETT: Farrier, horseshoer, blacksmith.

4 THE COURT: Okay.

5 JUROR BURKETT: And from May to October is my busy  
6 season. And I work mainly on show horses for trainers, and  
7 every horse is scheduled for a six-week rotation. If this  
8 would happen to go three weeks, that's half of my business;  
9 and, financially, that would be very difficult.

10 THE COURT: All right. And—I'm sorry.—I  
11 thought—Your last name? I thought I caught it, but I didn't.  
12 I thought it was an L, but—

13 JUROR BURKETT: B, Burkett.

14 THE COURT: Thank you.

15 Thank you. You may have a seat.

16 Your name?

17 JUROR HUSKIN: Annette Huskin.

18 THE COURT: Go ahead.

19 JUROR HUSKIN: I am a legal guardian to my  
20 three-year-old granddaughter. Me and my husband raise her.  
21 So my husband—We have our own business. He works during the  
22 day and I work third shift at night, so we don't have  
23 caregivers and can't afford to send her to a babysitter. So,  
24 if I were—I'm here, then he can't work. Then we have no  
25 income.

1 THE COURT: What business do you own?  
2 JUROR HUSKIN: We own . . . (unintelligible)  
3 company.  
4 THE COURT: Any employees?  
5 JUROR HUSKIN: Our newly probation stepson is  
6 working for us right now.  
7 THE COURT: And where do you work, ma'am?  
8 JUROR HUSKIN: I work at Subway.  
9 THE COURT: Thank you. I appreciate that.  
10 All right. On the second row then. I'm going to  
11 start to my left.  
12 Ma'am, your name?  
13 JUROR HORTON: Carroll Horton.  
14 THE COURT: Okay. I'll go to my right. Sorry.  
15 Go ahead.  
16 I'm sorry?  
17 JUROR HORTON: Carroll Horton.  
18 THE COURT: I missed the last name.  
19 JUROR HORTON: Horton.  
20 THE COURT: With an H?  
21 JUROR HORTON: Yes.  
22 THE COURT: Go ahead, ma'am.  
23 JUROR HORTON: Family medical. And I would prefer  
24 to come up.  
25 THE COURT: I'm sorry. I'm having a hard time



1           hearing.

2           JUROR HORTON:    I would prefer to come up.

3           THE COURT:    Okay.  Yes, please do.

4           Counsel, if you would approach.

5           (At 12:00 noon, bench conference as follows:

6                 THE COURT:    Okay.  Go ahead.

7                 JUROR HORTON:    I'm suf-My daughter has been

8           going through breast cancer.

9                 THE COURT:    Okay.

10                JUROR HORTON:    She lives at home with us.  And

11           her doctor-

12                THE COURT:    You know what?  I'm going to let

13           you go.  I can see that you've got some things going

14           on with your family and you're getting a little

15           emotional.  So that's fine.  You just can't be away

16           that much time, and I understand that.

17                JUROR HORTON:    . . . (inaudible) for her to

18           get her . . . (inaudible)

19                THE COURT:    I'm going to let you go.  You can

20           place your badge in the basket on the right side of

21           the double doors.

22                JUROR HORTON:    Thank you.

23                THE COURT:    Do you feel comfortable going out

24           that way, or do you want to go out the side door?

25                JUROR HORTON:    I'm rather go the other way-

1 THE COURT: Okay. Leave your—  
2 JUROR HORTON: —'cause I have customers behind  
3 me.  
4 THE COURT: Okay. Leave your badge right  
5 there, and you can sneak out this door and go around  
6 the hallway there and go out.  
7 Good luck with everything. Okay.  
8 And that was Carroll Horton. So we'll excuse  
9 her for hardship.  
10 Any objections to that, Counsel?  
11 MR. CUSICK: No, your Honor.  
12 MR. CHAMPION: No.  
13 THE COURT: No.)  
14 THE COURT: Okay. Your name, ma'am?  
15 JUROR BENJAMIN: Roshida Benjamin.  
16 THE COURT: With a B?  
17 JUROR BENJAMIN: Yes.  
18 THE COURT: Go ahead.  
19 JUROR BENJAMIN: I work full-time at a hotel at the  
20 front desk, and I'm a single mother of two. So, if I'm here,  
21 I don't get a check.  
22 THE COURT: Are you indicating it would be  
23 financially very difficult to pay all of your bills if you  
24 were here that length of time?  
25 JUROR BENJAMIN: Yes, ma'am.

1 THE COURT: Okay. I appreciate that.  
2 Ma'am, you have to stand in the back until  
3 we're--there's more room for the jurors. So--Sorry.--right now  
4 they're all taken, so just bear with us here. Okay.  
5 Thank you, ma'am. You may have a seat.  
6 Okay. Ma'am, your name?  
7 JUROR OSWALT: Katie Oswalt.  
8 THE COURT: With an H?  
9 JUROR OSWALT: No, O, Oswalt.  
10 THE COURT: Go ahead.  
11 JUROR OSWALT: I'll be moving in to East Lansing on  
12 the 24<sup>th</sup>. I'm starting school, so--  
13 THE COURT: So your main residence is here still in  
14 Kalamazoo?  
15 JUROR OSWALT: . . . (inaudible)  
16 THE COURT: Yes. And you're going to school, then,  
17 at Michigan State?  
18 JUROR OSWALT: Well, it's a combination of  
19 . . . (inaudible)  
20 THE COURT: Okay. And do you know what your  
21 schedule is going to be?  
22 JUROR OSWALT: I'll have class Tuesdays and  
23 Thursdays from 12:00 to 4:00 and Mondays from 2:00 to 3:00, I  
24 think.  
25 THE COURT: Okay. And what are you--What classes

1 are you taking on Thursdays?

2 JUROR OSWALT: It's my stats and deaf culture, and  
3 then there's a speech class.

4 THE COURT: A speech class?

5 JUROR OSWALT: Yes.

6 THE COURT: So you have three classes on Thursdays?

7 JUROR OSWALT: Tuesday and Thursdays  
8 . . . (inaudible) and then Mondays I have—

9 THE COURT: Yeah. All right.  
10 Thank you, ma'am. You may have a seat.  
11 Your name, sir?

12 JUROR WATSON: Dennis Watson.

13 THE COURT: Go ahead.

14 JUROR WATSON: I own and operate a heating and  
15 cooling company, and I'm the sole worker. I will not be able  
16 to field service calls or emergency calls or perform any  
17 installations . . . (inaudible)

18 THE COURT: Well, from my experience, things only  
19 break down on holidays; so you should be fine.

20 But is there anybody else that works with you, sir?

21 JUROR WATSON: No, I—

22 THE COURT: Okay.

23 JUROR WATSON: — . . . (inaudible)

24 THE COURT: You're it.

25 JUROR WATSON: Yeah.

1           THE COURT:    So we're talking about probably right  
2           now—our best estimate—four days one week, three days another.  
3           I don't know if you can work on the weekends, and I certainly  
4           understand emergencies arise. What happens if you're out of  
5           town on vacation, maybe, and you get a call?

6           JUROR WATSON:   I usually arrange to have another  
7           heating company pick up my emergency calls.

8           THE COURT:    Okay.

9           JUROR WATSON:   I'm just worried about the regular  
10          customers . . . (inaudible)

11          THE COURT:    Right.

12          JUROR WATSON:   —so—

13          THE COURT:    Now you will have occasions to maybe  
14          contact them and let them know that you're—

15          JUROR WATSON:   . . . (inaudible)

16          THE COURT:    —unavailable.

17          JUROR WATSON:   . . . (inaudible)

18          THE COURT:    I appreciate that information. Go  
19          ahead and have a seat.

20          All right. So I'm going to start with the  
21          third—actually, the fourth row, I guess it is now.

22          Ma'am, your name?

23          JUROR SMITH:    Hayley Smith.

24          THE COURT:    Go ahead.

25          JUROR SMITH:    I am the manager at a restaurant, and

1 I'm also going to be going to school full time. I move in on  
2 the 28<sup>th</sup>.

3 THE COURT: Where are you moving to?

4 JUROR SMITH: Western.

5 THE COURT: Okay. So you're still going to be  
6 local.

7 And you manage a restaurant. Which one?

8 JUROR SMITH: Culver's.

9 THE COURT: Are you living by yourself or with  
10 family or friends?

11 JUROR SMITH: Well, right now I'm living with my  
12 parents—

13 THE COURT: Okay.

14 JUROR SMITH: — . . . (inaudible)

15 THE COURT: All right. I appreciate that.

16 And then you're going to start school—

17 So are you working full time or part time right now?

18 JUROR SMITH: I'm working full time right now.

19 THE COURT: And I'm assuming once you start school  
20 then you're going to cut your hours back?

21 JUROR SMITH: . . . (inaudible)

22 THE COURT: Okay. And where are you going to start  
23 school at?

24 JUROR SMITH: Western.

25 THE COURT: Do you know what your schedule is?

1 JUROR SMITH: Mondays through Friday mostly during  
2 the day, but I have one night class.

3 THE COURT: Are you every day Monday through  
4 Friday?

5 JUROR SMITH: Yes.

6 THE COURT: When do you start? Do you know if you  
7 start before Labor Day or after?

8 JUROR SMITH: We start right after that. I think  
9 it's the 4<sup>th</sup>.

10 THE COURT: I appreciate that. You can go ahead  
11 and have a seat.

12 All right. Your name?

13 JUROR JENNEY: Lauren Jenney.

14 THE COURT: Go ahead.

15 JUROR JENNEY: From August 26<sup>th</sup> to 29<sup>th</sup>—or 30<sup>th</sup>, I  
16 believe—I will be out of town on vacation.

17 When I return at work, . . . (inaudible) for a  
18 project that is launching in the state of Michigan for an  
19 . . . (inaudible)

20 THE COURT: I'm going to go ahead and excuse you.  
21 You can place your badge in the basket in the back.

22 Thank you for your time today.

23 Ma'am, your name?

24 JUROR CRONKHITE: Lori Cronkhite.

25 THE COURT: I missed the last one.

1 JUROR CRONKHITE: Cronkhite.  
2 THE COURT: Go ahead.  
3 JUROR CRONKHITE: . . . (inaudible)  
4 THE COURT: Yes, you may.  
5 (At 12:07 p.m., bench conference as follows:  
6 JUROR CRONKHITE: I am a single mom—  
7 THE COURT: Sorry. Okay. Go ahead.  
8 JUROR CRONKHITE: I'm a single mom with  
9 . . . (inaudible) has to have reconstructive  
10 surgery—  
11 THE COURT: Okay. You know what? It sounds  
12 like you're—you've got—  
13 JUROR CRONKHITE: —so it's like—  
14 THE COURT: —other things going on.  
15 JUROR CRONKHITE: — . . . (inaudible)—  
16 THE COURT: Yeah. Good luck with that.  
17 I'm going to go ahead and excuse you. You can  
18 place your badge in the basket on the right side of  
19 the double doors.  
20 Now are you comfortable leaving through the  
21 back, or do you want to leave the side door? You're  
22 okay.  
23 JUROR CRONKHITE: Thanks.  
24 THE COURT: Okay. And that was—  
25 MR. CHAMPION: Cronkhite.



1 THE COURT: -Cronkhite. H, I, J, K-  
2 THE CLERK: With a C in Cronkhite.  
3 MR. CHAMPION: C.  
4 THE COURT: With a C.  
5 MR. CHAMPION: C.  
6 THE COURT: Any objections to that, Counsel?  
7 MR. CUSICK: . . . (inaudible)  
8 THE COURT: Okay. You got it?)  
9 THE COURT: Your name?  
10 JUROR HINES: Kate Hines.  
11 THE COURT: Go ahead.  
12 JUROR HINES: I'll be starting full time at Valley  
13 in the nursing program on the 3<sup>rd</sup>.  
14 THE COURT: When do you start?  
15 JUROR HINES: On the 3<sup>rd</sup> of September.  
16 THE COURT: Appreciate that. You can go ahead and  
17 have a seat.  
18 Sir, your name?  
19 JUROR CALCO: Robert Calco.  
20 THE COURT: Go ahead.  
21 JUROR CALCO: I just have two obligations I had  
22 before I came in here. My daughter and my son are both going  
23 to college, and I am going to be moving them. And I didn't  
24 bring the exact dates, but I believe my daughter's moving date  
25 to the University of Michigan is the 28<sup>th</sup>, I think. My son is

1 later. It's in September. My memory, it might be  
2 September 9. That's somewhat . . . (inaudible)

3 THE COURT: Thank you. You may have a seat.  
4 Your name?

5 JUROR OTTE: Dennis Otte.

6 THE COURT: Go ahead.

7 JUROR OTTE: Yes, the months of September and  
8 October, I'll be in Florida. My daughter's having our first  
9 grandson there mid September.

10 THE COURT: Mid September?

11 JUROR OTTE: Mid September.

12 THE COURT: All right. Thank you, sir. You may  
13 have a seat.

14 Your name?

15 JUROR SAAD: Tom Saad.

16 I'd like a word, please.

17 THE COURT: You may.

18 (At 12:10 p.m., bench conference as follows:

19 JUROR SAAD: I'm a physician-

20 THE COURT: Yes.

21 JUROR SAAD: -up in Plainwell. I see 25 to  
22 30 patients a day five days a week. We are short-  
23 handed. My schedule is booked out six weeks. It'll  
24 be just extremely disruptive for me, for my  
25 patients. Everybody . . . (inaudible) and

1                   that's—Two or three days, I could . . . (inaudible)  
2                   but not—  
3                   THE COURT:     Okay.  
4                   JUROR SAAD:    —for that long.  It's really  
5                   going to be disruptive and—  
6                   THE COURT:     Okay.  
7                   JUROR SAAD:    —you know, just—My heart's not  
8                   going to be into it.  
9                   THE COURT:     Okay.  
10                  Any questions?  
11                  JUROR SAAD:   To have to cancel my schedule for  
12                  that long, it's just—  
13                  THE COURT:    You have to remind me.  And I know  
14                  I've seen your name, too.  What type of doctor are  
15                  you?  
16                  JUROR SAAD:   Family practice.  
17                  THE COURT:    Okay.  Thank you.  
18                  Any questions?  
19                  MR. CUSICK:   No.  
20                  THE COURT:    Any questions?  
21                  MR. CHAMPION:   . . . (inaudible)  
22                  THE COURT:    Can you step back a second, sir.  
23                  Any position on that?  
24                  MR. CUSICK:   I have no—I have no objection to  
25                  excusing him.

1 THE COURT: You have no objections to it?  
2 MR. CUSICK: No.  
3 THE COURT: Okay. You don't have—  
4 MR. CHAMPION: Neither do I.  
5 THE COURT: —any objections either? Okay.  
6 I'll go ahead and—  
7 Hold on a second, if you would.)  
8 THE COURT: Go ahead, sir. You are excused.  
9 (At 12:11 p.m., bench conference as follows:  
10 THE COURT: Let me just ask you a couple  
11 questions. Some of these folks are not—No,  
12 actually, we can address it during the lunch hour, I  
13 guess I can say—  
14 MR. CHAMPION: Okay.  
15 THE COURT: —some of the hardships and the  
16 financial issues and stuff and then we can go from  
17 there, I guess. Okay.)  
18 THE COURT: Your name, sir?  
19 JUROR OULTON: Jordan Oulton.  
20 THE COURT: I'm sorry? With an H?  
21 JUROR OULTON: O. O.  
22 THE COURT: Go ahead, sir.  
23 JUROR OULTON: I'll be going back to school on  
24 September 3<sup>rd</sup>.  
25 THE COURT: Where are you attending, sir?

1 JUROR OULTON: Kalamazoo Valley.

2 THE COURT: All right. Do you know what days  
3 you're taking classes?

4 JUROR OULTON: Yeah, Tuesday, Thursday 8:00 a.m. to  
5 . . . (inaudible)

6 THE COURT: What type of classes are you taking,  
7 sir?

8 JUROR OULTON: I have three classes: accounting,  
9 economics, and a math class.

10 THE COURT: All right. Thank you. You may have a  
11 seat.

12 Your name, sir?

13 JUROR DUONG: It's Thao, and the last name's  
14 spelled D-u-o-n-g.

15 THE COURT: Go ahead.

16 JUROR DUONG: I grow flowers for a living, and we  
17 start first of July and it goes to the middle of October, so  
18 our busy season. We start shipping our flowers starting in  
19 August through the middle of October. And I'm in charge of  
20 three acres of our . . . (inaudible) operation.

21 THE COURT: Anybody else there that can run that  
22 for you?

23 JUROR DUONG: There is, but we're on skeleton crew  
24 in the summer since it's kind of our off season, so that's  
25 kind of why I have a bigger load there.

1 THE COURT: Thank you. You may have a seat.

2 All right. We haven't forgotten those of you who  
3 spoke, just so that you know that. We'll talk about these  
4 things. And sometimes we have more questions if you are  
5 seated in the jury box, just so that you are aware of that.

6 I did address this somewhat. Let me just indicate  
7 that some of you may have health problems, difficulty sitting  
8 or standing for long periods of time. Some of these things we  
9 addressed during the hardships.

10 But I will indicate if you have issues with sitting  
11 or standing for periods of time, I have no objections with you  
12 standing or sitting periodically, as long as you can still pay  
13 attention to what's going on, too.

14 And I would just ask that you let us know when we  
15 get to the point to where we're selecting names. I can always  
16 seat you on one of the outside seats so that you can sit or  
17 stand periodically. And, again, I know we addressed some of  
18 these issues already. But those of you who maybe we haven't  
19 talked to, if you need to do that, I would ask that you just  
20 move to the outside of the rows. And I think—I'm guessing  
21 that we covered most of that stuff during the hardship issues.

22 Likewise, if you have difficulty seeing, we can  
23 certainly seat you closer to the witness box here; so just let  
24 us know, if your name is called.

25 All right. It is 12:15, so I think this is probably

1 a good time to break.

2 I have a few more instructions to read to you when  
3 we return after the lunch hour.

4 And the attorneys and I have some things, again, to  
5 address during the lunch hour.

6 I'm going to read to you a couple instructions  
7 before we break for lunch, and then what I'm going to do is  
8 have you check in upstairs at 1:15. So you'll have about an  
9 hour for lunch.

10 When we get word that all of you have checked in and  
11 we're ready for you, then we will bring you down and we'll  
12 continue this afternoon.

13 Let me just read to you a couple things before I  
14 release you a moment.

15 You haven't heard any of the facts of the case, but  
16 I'm going to just caution you that you are not to discuss this  
17 case with anyone or among yourselves. The only thing you've  
18 heard is the title of the counts. But you are not to discuss  
19 the case in any way or indicate to anyone the type of case  
20 that you are here for. So please remember that. You must not  
21 even discuss it with the other jurors until the time comes for  
22 you to decide the case.

23 If I call for a recess during the trial, I will  
24 either send you back to the jury room on the fourth floor—And  
25 I've—we've already done that. We've taken a break.—or allow

1 you to leave the courtroom on your own and go about your  
2 business, which is what I'm about ready to do.

3 You must not discuss this case with anyone or let  
4 anyone discuss it with you or in your presence. If someone  
5 tries to do that, tell him or her to stop and explain that, as  
6 a juror, you are not allowed to discuss this case. If he or  
7 she continues, leave immediately and report the incident to us  
8 when you return to court. And you would do that by letting  
9 Ms. Wint know what happened and then she'll pass the  
10 information along to the attorneys and myself.

11 You must not talk to the defendant or the lawyers or  
12 the witnesses about anything at all, even if it has nothing to  
13 do with this case. Sometimes you might pass each other in the  
14 hallways or ride up on the elevator with one or more of those  
15 individuals. Please don't even say hello to them. We just  
16 want to make sure you're not talking to them and giving any  
17 appearance that something wrong is going on or improper is  
18 going on.

19 It is very important that you only get information  
20 about this case when you are in the court when you are acting  
21 as the jury and when the defendants [sic] and I are all here.  
22 I will also indicate that the only information you get about  
23 this case must come to you in this courtroom when the  
24 attorneys and the parties and I are all here.

25 You must not consider any information that comes



1 from anywhere else. So, during the breaks and recesses, don't  
2 look up anyone, anything, any term, any definition, anything  
3 about any court officers or attorneys or parties or anything  
4 about this case on your own. Don't do any investigation on  
5 your own.

6 You may not use any electronic devices at anytime to  
7 find out information about a party or a witness or an attorney  
8 or a court officer or any news accounts of the case or any  
9 information collected through any juror research, and that  
10 includes don't look up anything about any other jurors if you  
11 happen to know any of them--any--And don't do any investigations  
12 on your own.

13 So please remember those things.

14 You may certainly use your phones and other  
15 electronic devices when we break, but you may not use them at  
16 anytime to look up anything about this case in any way or  
17 anyone involved in the case, so just so that you are aware of  
18 that.

19 Okay. When you return after the lunch hour, we'll  
20 proceed with the jury selection. It does move along a little  
21 bit quicker as we go. We do appreciate your patience.

22 You have badges on, also, and I ask that you wear  
23 those badges during the lunch hour if you're out and about  
24 downtown. It lets folks know that you're potentially on a  
25 jury. I do understand that some folks do not feel comfortable

1 wearing those badges. I'm not going to order you to wear the  
2 badges 'cause I understand that.

3 But there is a reason for it. In case there's  
4 attorneys or others that might be involved in the case or  
5 others that work at the court that they might be in the same  
6 restaurant as you and they might realize, okay, we can't talk  
7 about cases now because you're there wearing the badge. There  
8 is a reason for it. So I'm not going to require it, but  
9 that's why you have those badges, so please remember that.

10 All right. So please meet upstairs on the fourth  
11 floor.

12 Do not come to the second floor at all and hang out  
13 here, please. Either just go immediately to the fourth floor  
14 or leave the building. If you're going to leave the building,  
15 that's fine, too. Be careful when you enter and exit the  
16 building in case folks are talking about cases. I just  
17 caution you move away immediately if you think someone is.

18 And, again, don't ever come into the courtroom on  
19 your own—Ms. Wint will always escort you here when we are  
20 ready for you.—in case we're covering something that you just  
21 simply couldn't—shouldn't hear.

22 And, again, don't come to the second floor because  
23 sometimes attorneys or witnesses are talking about the case  
24 and we don't want you overhearing something. So that's why I  
25 ask that you just go to the fourth floor or outside of the

1 building.

2 So you can leave the building on your own right now,  
3 and we'll see you in about an hour.

4 All rise.

5 You can follow Ms. Wint out the back double doors.

6 (At 12:21 p.m., jury panel exits courtroom)

7 You may be seated.

8 All right. The jurors left the courtroom, and the  
9 door is shut.

10 Counsel, I did excuse a number of individuals. I  
11 believe we've covered them for the record. My understanding  
12 is there's no objection so far to the jurors that I have  
13 excused for either hardship or cause; is that correct?

14 MR. CUSICK: That's correct, your Honor.

15 MR. CHAMPION: That's a correct statement,  
16 your Honor.

17 THE COURT: All right. We have a number of  
18 individuals that I just want to touch base with and I want you  
19 to think about, just given their financial issues. I'm just  
20 going to list their names, let you think about them during the  
21 lunch hour and let me know if you have a position one way or  
22 the other afterwards.

23 Okay. So let me just give you the names, first of  
24 all.

25 I know Roshida Benjamin indicated she was a mother

1 of two and it would be a financial issue for her. I didn't  
2 get a lot of information—I don't recall.—from her, but she did  
3 mention that.

4 Joshua Bostick indicated that he was working at  
5 Noodles & Company and it might be a hardship for him  
6 financially.

7 Bradley Burkett indicated that he had the horse  
8 business and it would be a financial hardship for him.

9 Robert Calco, I will indicate to you Counsel, I'm  
10 inclined to release him. He indicated that he was moving his  
11 children into college—I can understand—I think one at U of M  
12 on the second day of trial. I certainly understand that  
13 that's an important day for many folks, and so I'm not  
14 inclined to make him miss that. And that would be the first  
15 week of trial; so, obviously, he would need to be here. I  
16 will indicate that, but I'm curious as to your position on  
17 that. If you have any strong objections, let me know.

18 Let's see, Carroll Horton indicated that—No—I'm  
19 sorry.—I excused her.

20 Annette Huskin indicated that she and her husband  
21 were the legal guardian for their three-year-old; that they  
22 own a dock and seawall company. She works third shift at  
23 Subway, too. She indicated that would be a hardship for them  
24 financially.

25 Kimberly Kaiser indicated that she was the assistant

1 manager at the apartment complex. She has two kids and is on  
2 her—She's alone and supports them. She's another name.

3 Shawn Neal indicated he worked at Elkhart Plastic  
4 nights and indicated it would be financially difficult for  
5 him.

6 I'm not indicating I'm going to release these folks.  
7 I'm just indicating please think about them and let me know  
8 what your positions are. If you both agree, then I might  
9 release some of them. So that's why we're going through this.

10 Katie Oswalt starts school August 24<sup>th</sup>, and she's the  
11 one that's moving to East Lansing to start at MSU. Sounds  
12 like her residence is still here. That's not an issue, but  
13 she is going to school. So think about her.

14 Dennis Otte—He's a officer anyway, but I know he  
15 indicated he was having a grandchild in mid September. I  
16 don't think that's going to be an issue. We certainly—If he  
17 was on the panel, we'd have 14 jurors so, if the child comes  
18 early, I would have no objections to releasing him as an  
19 alternate.

20 And Dennis Watson was the individual that owned the  
21 heating and cooling company. It didn't sound like it was as  
22 much of a hardship for him that I can seem to have an issue  
23 with possibly losing some customers. I'm just throwing that  
24 out there again.

25 And looks like Brianna Wilson indicated she would

1 have a transportation issue for that length of time.

2 So those are the individuals that I've just tagged  
3 as maybe we need to discuss those; and, if there's some  
4 agreement on some of those, we can address those after lunch.

5 Anything else at this time that we need to—

6 I will also indicate, just so that you know—I don't  
7 think it makes a difference. I indicated that I know  
8 Gregory Vanheukelom—not well. He's merely just somebody I  
9 went to school with. I don't think I've seen him in like five  
10 years, but I'll just note that for the record. I know who he  
11 is, and I've had conversations with him over the past ten  
12 years—a few of them, not many.

13 And I also know Mr.—I'm looking for his name because  
14 I don't know his last name. I'll have to look and let you  
15 know. Oh—I'm sorry.—it's Thao Duong. Our daughters play  
16 soccer together, so I see him at the soccer field on occasion.  
17 That's the only thing—He's the individual that indicated he  
18 works with the flowers, and he also indicated it would be a  
19 difficult time of the year for him to be on the panel. But I  
20 just know him because I see him on occasion. That's—I'll just  
21 throw that out there.

22 Anything else we need to address at this time,  
23 Counsel?

24 MR. CUSICK: Your Honor, I don't know if the Court  
25 would be willing to do a mutual sequestration order during the

1 jury selection process of the witnesses who are actually on  
2 the witness list being in court during the voir dire process.  
3 Usually, I ask for my mutual sequestration order before jury  
4 selection takes place. I'd ask for an exception of the  
5 officer in charge.

6 I know that one witness who's on defense counsel's  
7 witness list has--list--has stepped in the room; and, if there's  
8 any witnesses from our side that step into the room, I think  
9 that would be appropriate during jury selection as well. So  
10 I'd ask for a sequestration order.

11 THE COURT: Any position on that, Mr. Champion?

12 MR. CHAMPION: No position, your Honor.

13 THE COURT: That seems appropriate then. So, since  
14 we only have one individual here, I'm assuming it's this  
15 individual right here.

16 So, ma'am, just so that you know, the parties have  
17 agreed that, if you're on the witness list and a potential  
18 witness in this case, you can't sit in here until after you  
19 have testified. So just so that you're aware of that. Okay?

20 And I'm sure you can talk to the attorneys about  
21 that, if you have some questions, when we break in a moment.

22 So anything else, then, that we need to address at  
23 this time, Counsel?

24 MR. CUSICK: No, your Honor.

25 MR. CHAMPION: No, your Honor.

1 THE COURT: All right. Have a good lunch. We'll  
2 see you in about 45 minutes then.

3 MR. CUSICK: Thank you.

4 THE COURT: Court's in recess.

5 (At 12:31 p.m., court recessed)

6 (At 1:37 p.m., proceedings reconvened)

7 THE CLERK: The court recalls the case of People of  
8 the State of Michigan versus Samuel Steel, case number  
9 C11-1983 FC.

10 Parties, please restate appearances for the record.

11 MR. CUSICK: Paul Cusick on behalf of the People,  
12 your Honor.

13 MR. CHAMPION: May it please the Court,  
14 Robert Champion appearing on behalf of Sam Steel.

15 THE COURT: All right. Counsel, we did have a  
16 discussion in chambers a while ago, and we are releasing  
17 certain jurors by agreement based on the information that was  
18 provided when we were discussing hardships.

19 Generally speaking—Well, all the information should  
20 be on the record; but, generally speaking, these are some that  
21 we agreed were starting school so it would likely be difficult  
22 for them to be here when they're starting their classes at  
23 different universities or colleges and/or they're sole  
24 providers for their families and indicated it would be a  
25 financial hardship.



1           We didn't excuse all of those that stood up and  
2 addressed those issues. Some of those we indicated we  
3 should—we could get more information from.

4           But we are, by agreement, releasing the following  
5 then:

6           Katie Os—

7           And these are all for hardships.

8           Katie Oswalt, number 77.

9           Jordan Oulton—O-u-l-t-o-n. He's number 78.

10          David Glinsky, number 18, with a G.

11          Robert Calco, with a C—Calco—number 29. He actually  
12 is the one who indicated he was going to bring his kids to  
13 school, I think one at State, and the other one, I don't  
14 recall where.

15          Dennis Watson, number 66.

16          Kimberly Kaiser, with a K. She's number 61.

17          And Annette Huskin, who's number 56.

18          Is that correct, Counsel?

19          MR. CUSICK: That's correct, your Honor.

20          MR. CHAMPION: Yes, your Honor.

21          THE COURT: Thank you.

22          Counsel, is there anything else we need to address  
23 on the record before the jury comes in?

24          MR. CUSICK: No, your Honor.

25          MR. CHAMPION: No, your Honor.

1 THE COURT: All rise.  
2 (At 1:49 p.m., jury panel returns to courtroom)  
3 You may be seated.  
4 Welcome back, ladies and gentlemen.  
5 Just a reminder, please make sure your cellphones  
6 are turned off.  
7 All right. Welcome back, ladies and gentlemen.  
8 When we left, we had dealt with some issues that  
9 some of you had. And, certainly, the attorneys might have  
10 more questions for you if you are selected in a moment in the  
11 jury box. Then we'll focus our attention on those that are  
12 seated in the jury box.  
13 I have a couple more instructions to read to you  
14 before we select the names.  
15 As I indicated before, this is a criminal case.  
16 And, actually, before I go further, I know we had  
17 one individual with headphones on. Do you need those again?  
18 UNIDENTIFIED JUROR: Please.  
19 THE COURT: Yes. You can hear me, at least, so  
20 that's a good thing. You did raise your hand. Okay.  
21 So I'll wait for Ms. Wint a moment and—  
22 Sorry about that.  
23 All right. Is that better then, ma'am? All right.  
24 Wonderful.  
25 As I indicated before, this is a criminal case. And

1 there's a piece of paper that's used—that is—it's used to  
2 charge a defendant with a crime in every criminal case. It's  
3 called an information, and it's filed with the court. And an  
4 information is read in every criminal case so that the  
5 defendant and the jury can hear what the charge or the charges  
6 are.

7 So you should clearly understand that the  
8 information I'm about ready to read is not evidence. It's,  
9 again, only read so that the jury and the defendant can hear  
10 what the charge or the charges are.

11 The information in this case reads as follows:

12 With regards to count one, as I indicated, the title  
13 is homicide open murder. It reads as follows:

14 That on or about April 24, 2011, in  
15 Kalamazoo County, defendant did murder Milo Conklin.

16 Count two reads as follows:

17 That on or about April 24, 2011, in  
18 Kalamazoo County, defendant did carry or have in his  
19 possession a firearm, to-wit, a handgun, at the time he  
20 committed or attempted to commit a felony, to-wit, murder.

21 Count three reads as follows:

22 That on or about April 24, 2011, in  
23 Kalamazoo County, defendant did possess a firearm when  
24 ineligible to do so because of a prior conviction and the  
25 requirements for regaining eligibility had not been met.

1 Count four reads as follows:

2 That on or about April 24, 2011, in  
3 Kalamazoo County, defendant did carry or have in his  
4 possession a firearm—I'm sorry.—a firearm, to-wit, a handgun,  
5 at the time he committed or attempted to commit a felony,  
6 to-wit, felon in possession of firearm.

7 That is how the information reads. And, again, you  
8 should clearly understand the information I have just read is  
9 not evidence. An information is read in every criminal trial  
10 so that the defendant and the jury can hear the charge or the  
11 charges. You must not think it is evidence of his guilt or  
12 that he must be guilty because he has been charged.

13 A person accused of a crime is presumed to be  
14 innocent; and this means you must start with the presumption  
15 that the defendant is innocent, and this presumption continues  
16 throughout the trial and entitles the defendant to a verdict  
17 of not guilty unless you are satisfied beyond a reasonable  
18 doubt that he is guilty.

19 Every crime is made up of parts called elements, and  
20 the prosecutor must prove each element of the crime beyond a  
21 reasonable doubt. The defendant is not required to prove his  
22 innocence or to do anything. If you find that the prosecutor  
23 has not proven every element beyond a reasonable doubt, then  
24 you must find the defendant not guilty.

25 A reasonable doubt is a fair, honest doubt growing

1 out of the evidence or the lack of evidence. It is not merely  
2 an imaginary or a possible doubt but a doubt based on reason  
3 and common sense. A reasonable doubt is just that, a doubt  
4 that is reasonable after a careful and considered examination  
5 of the facts and the circumstances of this case.

6 Now, ladies and gentlemen, what we're going to do is  
7 we are going to select 16 names—Twelve of you will  
8 deliberate.—given the fact that I'm having you check in in a  
9 few weeks and the length of the trial. Sometimes emergency  
10 situations do arise with jurors, so we are selecting a number  
11 of alternates. Only 12 of you will deliberate. And it is a  
12 random selection at the end of the trial after all the  
13 evidence has been presented and—Excuse me.—the attorneys have  
14 given their closing arguments and I've given you the final  
15 instructions. Then we randomly will select the alternate  
16 jurors, so it doesn't matter where you're seated. So we're  
17 going to select 16 names.

18 When your name is called by Ms. Johnson, please  
19 gather your belongings and have a seat in the appropriate seat  
20 number. We do keep track of where you're seated so we know  
21 who's here and who may have been excused, so it's important  
22 that you do have a seat in the proper seat number.

23 There are two seats that are outside of the jury box  
24 over here, and there are two seats that are outside the jury  
25 box over there.

1           And, again, I just caution you there are steps, it's  
2 dark. Please be careful when you're going into the jury box  
3 there.

4           It does not matter to me whether you walk around the  
5 front of the jury box or how you get to your seat. Sometimes  
6 it is easier to walk around the front. But just be careful  
7 when you're taking your seat.

8           Seat number one is closest to me outside of the jury  
9 box in the front row. So one through eight are in the front  
10 row. Seat number eight is outside the jury box furthest away  
11 from me. And then seat number—numbers nine through 16 are in  
12 the back row, just so that you know that.

13           All right. I'm going to turn it over to  
14 Ms. Johnson, and she will select 16 names.

15           THE CLERK: Juror for seat number one,  
16 Rachel Sykes—S-y-k-e-s.

17           Seat number two, Daniel Parker—P-a-r-k-e-r.

18           Seat number three, Lindsey Neal—N-e-a-l.

19           Seat number four, Craig Taggett—T-a-g-g-e-t-t.

20           Seat number five, Bruce Turner—T-u-r-n-e-r.

21           Seat number six, Mary Christensen—C-h-r-I-s-t-e-n-s-  
22 e-n.

23           Seat number seven, Susan Carlisle—C-a-r-l-I-s-l-e.

24           Last seat in the front row, seat number eight,  
25 Rebecca Wiedmayer—W-I-e-d-m-a-y-e-r.

1                   Seat number nine—back row, back of the  
2 courtroom—Bradley Burkett—B-u-r-k-e-t-t.

3                   Seat number ten, Linda Koelbel—K-o-e-l-b-e-l.

4                   Is that correct, ma'am? Is that correct?

5 JUROR KOELBEL:    Yes.

6 THE CLERK:        Thank you.

7                   Seat number 11, Thao Duong—D-o-D-u-o-n-g.

8                   Is that correct, sir?

9 JUROR DUONG:      It's Thao—

10 THE CLERK:       Thao.

11 JUROR DUONG:      —Duong.

12 THE CLERK:        Thank you.

13                   Seat number 12, Jeffery Beatty—B-e-a-t-t-y.

14                   Seat number 13, Diane Gottschalk—G-o-t-t-s-c-h-a-l-  
15 k.

16                   Is that correct, ma'am?

17 JUROR GOTTSCHALK:   Yes.

18 THE CLERK:        Thank you.

19                   Seat number 14, Joseph Comiskey—C-o-m-i-s-k-e-y.

20                   Seat number 15, Susan Bourget—B-o-u-r-g-e-t.

21                   Seat number 16—last seat—Kimberly Ball—B-a-l-l.

22 THE COURT:        Give us one moment.

23                   All right. So I know that there's a number of you—

24                   First of all, we're going to turn our attention to  
25 these 16 individuals now. However, if, at anytime, during

1 this process you cannot hear what I'm saying or the attorneys  
2 are saying or what they are saying, please make sure you raise  
3 your hand and wave it. It's very important that all of you  
4 hear what's going on here.

5 As we go through the process, generally, one or more  
6 of these individuals may be excused and you're going to take  
7 their place. And it's just easier if you remember what's  
8 asked and whatnot and you can just bring to our attention  
9 maybe some of the issues, if there are any, or things that the  
10 attorneys are looking for, which you'll know once they start  
11 their questions. So just remember that.

12 And, again, it's very important that you're paying  
13 attention to what's going on here. Please make sure you're  
14 not reading anything or, again, looking up any  
15 electronic-looking up anything on any electronics or whatnot.  
16 Those should all be shut off anyway. And please don't leave  
17 the courtroom during this process either.

18 All right. So those of you in the jury box--same  
19 thing--if you can't hear what someone's saying, just raise your  
20 hand and grab our attention, please, so that we can address  
21 the issue.

22 And just a reminder, there's not a lot of  
23 microphones here. It's very hard to hear back in the corner  
24 what you're saying, so please speak up. Okay?

25 And, if, at anytime you don't understand a



1 question—Sometimes we just ask lousy questions.—just let us  
2 know and we'll rephrase the question.

3 Okay. So I know, Mr. Burkett, I think we talked to  
4 you about your business. And, again, the attorneys may have  
5 some questions.

6 And same thing, Mr. Duong. And we know each other,  
7 and I've laid that out for the attorneys, too.

8 And Ms. [sic] Comiskey—

9 Okay. I think we've got two seats switched. I have  
10 Joseph Comiskey in seat 14.

11 THE CLERK: Fourteen.

12 THE COURT: All right. And I have Susan—Is it  
13 Bourget?

14 THE CLERK: Fifteen. She's . . . (inaudible)

15 THE COURT: Oh, I'm sorry.

16 THE CLERK: . . . (inaudible)

17 THE COURT: I forgot about you two over there. So,  
18 yes. I'm just looking at the wrong place. I'm not used to  
19 having two people over there. I'm sorry.

20 So, Mr. Comiskey, I think you indicated that you  
21 might know one of the attorneys—one of the witnesses, correct?

22 JUROR COMISKEY: Yes.

23 THE COURT: All right. And, again, I'll let the  
24 attorneys address that.

25 Ms. Ball, I think you indicated that you knew one of

1 the witnesses, also, correct?

2 JUROR BALL: Yes.

3 THE COURT: Mr. Turner—

4 JUROR TURNER: Yes.

5 THE COURT: Right there. Okay. Sorry, sir.

6 And I think you indicated you know a witness,

7 correct?

8 JUROR TURNER: Yes.

9 THE COURT: And you are also on vacation September—

10 JUROR TURNER: Right.

11 THE COURT: —8, you indicated. All right. And I'm

12 not going to make you miss your vacation. So, again, we have

13 alternates. If it goes that long and you happen to be on the

14 panel, then we'll deal with that. Okay?

15 And Ms. Neal, we spoke with you, also. I believe

16 you know one of—

17 No? All right. Hold on.

18 No, we did talk to you about your job, though.

19 No?

20 THE CLERK: A different Neal.

21 THE COURT: I think it was Lindsey Neal, then, that

22 we spoke with.

23 THE CLERK: Shawn Neal.

24 JUROR LINDSEY NEAL: That's me.

25 THE COURT: That's you.

1 I have the wrong Neal written down. Sorry.

2 You are Lindsey. All right.

3 So we didn't talk to you.

4 All right. Let me just address a few things and  
5 then I'll turn it over to the attorneys, and they can ask some  
6 questions.

7 First of all, in every criminal case the burden of  
8 proof is on the prosecuting attorney, and that burden of proof  
9 is beyond a reasonable doubt. I read you the definition of  
10 reason-beyond a reasonable doubt.

11 You all understand that that is the burden of proof  
12 and who carries that burden in every criminal case? Yes?

13 UNIDENTIFIED JURORS: Yes.

14 THE COURT: Yes. Okay.

15 So the-Every defendant-If any one of us were seated  
16 over there with Mr. Champion, we could play Monopoly, we could  
17 play cards. Mr. Champion doesn't have to ask one question of  
18 any witness. They don't have to pay attention. The burden of  
19 proof is not on the defendant. The defendant doesn't have to  
20 do anything.

21 Do all of you understand that?

22 Yes.

23 Does anyone have a problem with that? Raise your  
24 hand if you do.

25 No. So everyone understands that.

1           And sometimes we hear different burdens of proof on  
2       TV, maybe beyond a shadow of a doubt, beyond all doubt. The  
3       burden of proof, as I read to you, is beyond a reasonable  
4       doubt. I gave you the definition. You're going to hear it  
5       again.

6           But everyone understands that? Yes?

7       UNIDENTIFIED JURORS: Yes.

8       THE COURT: Yes. Okay.

9           Now we all have a constitutional right not to  
10      testify if we were seated at that table.

11      Do all of you understand that? Yes?

12      UNIDENTIFIED JURORS: Yes.

13      THE COURT: Okay. So I don't know what Mr. Steel's  
14      going to do. That's going to be between him and his attorney.  
15      They can make that decision as the trial progresses. Maybe  
16      they've made it. I don't know. But Mr. Steel does not have  
17      to testify; and, if he chooses not to--We would all have that  
18      right to make that decision.--and you--that cannot play any part  
19      in your deliberations.

20      Do all of you understand that?

21      UNIDENTIFIED JURORS: Yes.

22      THE COURT: Yes.

23      Does anyone have a problem with that? Raise your  
24      hand if you do.

25      Some folks think, oh, man, I have to hear both sides

1 of the story or whatnot; but we all have that right.

2 And you can all accept that and understand that?  
3 Yes?

4 UNIDENTIFIED JURORS: Yes.

5 THE COURT: Okay. Now some folks just may have,  
6 for religious regions or whatnot, just cannot sit in judgment  
7 against one of their fellow citizens.

8 Do any of you have any of those kinds of feelings or  
9 those religious beliefs? Raise your hand if you do.

10 No one does. All right. No hands are raised, I  
11 should say. So I appreciate that

12 Have any of you ever been on a jury before? If so,  
13 raise your hand.

14 All right. So, Mr. Comiskey, you have—Comiskey.

15 JUROR COMISKEY: Comiskey, yes.

16 THE COURT: Comiskey.

17 Civil or criminal case, sir? A civil or a criminal  
18 case? Do you know?

19 JUROR COMISKEY: It was back in—

20 THE COURT: A civil case is generally someone suing  
21 someone else for money, generally.

22 JUROR COMISKEY: I believe it was criminal—

23 THE COURT: Okay.

24 JUROR COMISKEY: —and it was only half a trial and  
25 we were dismissed.

1 THE COURT: I see. Okay. So you never ended up  
2 deliberating. For whatever reason, you only were there for a  
3 while and then you were excused?

4 JUROR COMISKEY: Correct.

5 THE COURT: Yes. Okay.

6 Was that here in Kalamazoo County?

7 JUROR COMISKEY: Yes.

8 THE COURT: Approximately how long ago?

9 JUROR COMISKEY: It as 1987.

10 THE COURT: So it was a while ago, but you kind of  
11 understand how the process goes. All right.

12 Anything about that that would cause you any concern  
13 with sitting on the jury here today, sir?

14 JUROR COMISKEY: No.

15 THE COURT: All right. Ms. [sic]  
16 Beatty—Mr. Beatty, same questions to you, sir. Civil or  
17 criminal case?

18 JUROR BEATTY: It was a civil case, ma'am.

19 THE COURT: Here in Kalamazoo?

20 JUROR BEATTY: Yes, ma'am.

21 THE COURT: Approximately how long ago?

22 JUROR BEATTY: Over two years.

23 THE COURT: And you deliberated?

24 JUROR BEATTY: Yes, ma'am.

25 THE COURT: Were you the foreperson?

1 JUROR BEATTY: No, ma'am.

2 THE COURT: All right. Do you remember what it was

3 about? An auto accident or—

4 JUROR BEATTY: It was wrongful termination.

5 THE COURT: Okay. A wrongful termination.

6 Anything about that process that causes you any

7 concern with sitting here today, sir?

8 JUROR BEATTY: No, ma'am.

9 THE COURT: Okay. Same questions to you, sir,

10 Mr. Duong.

11 JUROR DUONG: I was—

12 THE COURT: Civil or criminal case?

13 JUROR DUONG: I was never—I didn't raise my hand.

14 THE COURT: Oh, I'm sorry. I thought you raised

15 your hand.

16 Who did I miss? Ms. Koelbel, you raised your hand.

17 Same questions to you, ma'am.

18 JUROR KOELBEL: Criminal case.

19 THE COURT: Approximately how long ago?

20 JUROR KOELBEL: Two years.

21 THE COURT: Here in Kalamazoo?

22 JUROR KOELBEL: Yes.

23 THE COURT: Were you the foreperson?

24 JUROR KOELBEL: No.

25 THE COURT: Do you recall what the case was about?

1 JUROR KOELBEL: Yes.

2 THE COURT: What was it about?

3 JUROR KOELBEL: It was a murder case.

4 THE COURT: Okay. So then you know how the process  
5 works? Yes?

6 Is there anything about that case that causes you  
7 any concern with sitting here?

8 JUROR KOELBEL: Not with sitting here.

9 THE COURT: Okay. Obviously, all new facts and you  
10 have to base your decision only on the evidence, and you know  
11 that.

12 JUROR KOELBEL: Yes.

13 THE COURT: Okay. Ms. Sykes, did you raise your  
14 hand?

15 JUROR SYKES: I did.

16 THE COURT: All right. Go ahead, ma'am, same  
17 questions.

18 JUROR SYKES: I served over two years ago on a  
19 criminal case. We did deliberate, and I was not the primary  
20 person.

21 THE COURT: You weren't the foreperson.

22 JUROR SYKES: Not the foreperson.

23 THE COURT: Do you recall what the case was about,  
24 ma'am?

25 JUROR SYKES: It was regarding a meth lab.



1 THE COURT: Okay. All right. I appreciate that.  
2 And, Mr. Turner, I believe—Same questions to you,  
3 sir.  
4 JUROR TURNER: I did not raise my hand.  
5 THE COURT: You did not raise your hand.  
6 Did you raise your hand, Mr. Taggett?  
7 JUROR TAGGETT: No.  
8 THE COURT: No.  
9 Anybody else in the front row raise your hand? Ah,  
10 Ms. Neal. Okay. Go ahead.  
11 JUROR LINDSEY NEAL: It was about ten years ago.  
12 It was a criminal case. I did deliberate. I was not the  
13 foreperson. And it was delivery of a controlled substance.  
14 THE COURT: Okay. You might have to speak up a  
15 little bit. Just—Just as a reminder about that.  
16 Okay. Is there anyone here who has just any overall  
17 concerns where you just don't feel you could be fair or  
18 impartial if you sat on this jury that you want to bring to  
19 our attention? Raise your hand.  
20 All right. Ms. Neal, go ahead.  
21 JUROR LINDSEY NEAL: . . . (inaudible)  
22 THE COURT: Yes, you want to approach? Sure.  
23 And, Counsel, if you would approach.  
24 (At 2:12 p.m., bench conference as follows:  
25 JUROR LINDSEY NEAL: During the initial phase

1 of the jury selection and both of the attorneys had  
2 to go behind closed doors, the defendant kind of  
3 tried to like approach the jury panel and said, can  
4 I approach. And you had to kind of sit him down.  
5 And that just kind of caused some concerns for me—

6 THE COURT: Okay.

7 JUROR LINDSEY NEAL: —just his actions.

8 THE COURT: Okay.

9 JUROR LINDSEY NEAL: I don't think I can be  
10 unbiased.

11 THE COURT: Okay. Well, I will indicate he  
12 needed to use the restroom. Does that—And he,  
13 obviously, might not know the processes; so he was  
14 just wanting to let us know that he needed a break.  
15 Is that anything—

16 JUROR LINDSEY NEAL: That seems really  
17 strange, but—

18 THE COURT: Okay.

19 JUROR LINDSEY NEAL: —I mean—

20 THE COURT: You just feel, for whatever  
21 reason, just—Okay.

22 JUROR LINDSEY NEAL: I don't know if I can be  
23 fair.

24 THE COURT: Okay. Did you talk about that  
25 with anyone else?

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JUROR LINDSEY NEAL: No.

THE COURT: Okay. I appreciate that.

Let me see if the attorneys have any other questions.

JUROR LINDSEY NEAL: Okay.

THE COURT: Okay. Do you have any questions?

MR. CUSICK: So the—Mr. Steel approached you and said something to you?

JUROR LINDSEY NEAL: No, no, no, no. When you guys had to go back—

THE COURT: He—

MR. CUSICK: Did he say anything—

THE COURT: —referenced the Court—wanted to speak with me and I just said hold on a second, wait till the attorney—

MR. CUSICK: That's—Okay. So that's the incident you're referring to then.

JUROR LINDSEY NEAL: Yeah, when he stood up he kind of faced us, and I was like, what's he doing. And it just kind of threw me off.

THE COURT: Okay.

MR. CUSICK: Are you able to—

JUROR LINDSEY NEAL: Get past that?

MR. CUSICK: —get past that and just look at the evidence in this case and not let that

1 specifically stop you from judging the evidence?

2 JUROR LINDSEY NEAL: I mean, I definitely will  
3 do my best. I can't say that the thoughts will be  
4 clearly out of my mind.

5 MR. CUSICK: That won't have any concern for  
6 you regarding looking at the evidence, whether or  
7 not the people on the witness stand are telling the  
8 truth, and whether or not you think they're credible  
9 and whether or not the evidence is—either meets the  
10 standard of beyond a reasonable doubt or doesn't?

11 JUROR LINDSEY NEAL: No.

12 THE COURT: Okay. Mr. Champion?

13 MR. CHAMPION: Could you be fair and impartial  
14 towards my client?

15 JUROR LINDSEY NEAL: I mean, with the  
16 explanation, yes, I will try; but I don't know  
17 'cause it just seemed very odd to me.

18 THE COURT: Okay. I appreciate that. I'll  
19 let you go ahead and have a seat.

20 And, Counsel, . . . (inaudible)

21 Yeah, and I—I think I told you when we were in  
22 chambers—

23 MR. CUSICK: Yeah, I didn't hear that.

24 THE COURT: —that, when you both stepped out,  
25 he did start talking like he wanted to talk to me.

1 I said, hold on a second, and I just kind of said,  
2 hold on a second. So that was what happened there;  
3 and—

4 MR. CHAMPION: . . . (inaudible)

5 THE COURT: —obviously, he was—needed to use  
6 the restroom. But that's the extent of that, so—

7 MR. CUSICK: I don't think—I don't think there  
8 is an issue other than, once it's explained, you're  
9 not judging—you know, you're going to listen to the  
10 evidence and determine whether or not you believe  
11 the evidence.

12 I think . . . (inaudible) once it's explained  
13 that, you know, an awkwardness in court that that  
14 shouldn't be used against the defendant, I don't  
15 think it's enough for cause.

16 THE COURT: Mr. Champion?

17 MR. CHAMPION: I think she said she couldn't  
18 be fair. She keeps saying she will try.

19 THE COURT: Okay. I disagree with that. I  
20 think she said she could be. But I do have concerns  
21 because, when I asked her and when I explained that  
22 he just needed to use the . . . (inaudible) she kind  
23 of had an odd expression on her face that caused me  
24 to pause.

25 I'm going to go ahead and excuse her. I don't

1 want her to read into something and just from the  
2 get-go and then have that--  
3 MR. CUSICK: Okay.  
4 THE COURT: --cause some concern throughout the  
5 rest of the trial.  
6 MR. CUSICK: Yeah.  
7 THE COURT: So, just so the record's clear,  
8 your objection's noted; but I am going to go ahead  
9 and excuse her for cause. Okay.  
10 MR. CHAMPION: Thank you.  
11 MR. CUSICK: Thank you, Judge.)  
12 THE COURT: Ma'am, I'm going to go ahead and excuse  
13 you. You can place your badge in the basket on the right side  
14 of the--might be the left side of the double doors. I'm not  
15 sure where the basket is back there. Left side. All right.  
16 Thank you, ma'am, for your time.  
17 We're going to select another name for seat number  
18 three.  
19 THE CLERK: Terry Jackson-J-a-c-k-s-o-n.  
20 THE COURT: All right. Mr. Jackson, you were able  
21 to hear all the questions that I previously asked?  
22 JUROR JACKSON: Yes.  
23 THE COURT: Yes.  
24 So have you ever been on a jury before?  
25 JUROR JACKSON: No, I have not.

1 THE COURT: And you understand the burden of proof  
2 in every criminal case—

3 JUROR JACKSON: I do.

4 THE COURT: —is beyond a reasonable doubt?

5 JUROR JACKSON: I do.

6 THE COURT: Any problems with that, sir?

7 JUROR JACKSON: No problems.

8 THE COURT: Okay. And you also understand that all  
9 of us have a constitutional right not to testify and a  
10 defendant in every criminal case does not have to present any  
11 evidence? You understand that?

12 JUROR JACKSON: I understand.

13 THE COURT: Any problems with those rights or those  
14 concepts, sir?

15 JUROR JACKSON: No problem.

16 THE COURT: No. I appreciate that.

17 Okay. With that, I'm going to turn it over to the  
18 attorneys to begin their questions.

19 Go ahead.

20 MR. CUSICK: Thank you, your Honor.

21 Your Honor, may I turn the podium?

22 THE COURT: Yes, absolutely.

23 MR. CUSICK: Thanks.

24 THE COURT: You can move it wherever you want to  
25 move that.

1 MR. CUSICK: Thank you.

2 Good afternoon.

3 UNIDENTIFIED JURORS: Good afternoon.

4 MR. CUSICK: Once again, my name is Paul Cusick.  
5 I'm an assistant attorney general.

6 And I want to thank you for your time today.

7 And the questions that I ask and the questions that  
8 the Court has asked and the questions that Mr. Champion is  
9 going to ask, they're not meant to pry into your lives or to  
10 make you feel uncomfortable. I want this to be as easy of a  
11 process for you as possible. But the People of the State of  
12 Michigan, who I represent, and the defendant both have a right  
13 to a fair and impartial jury. So the questions that I ask  
14 are—and the questions that Mr. Champion is going to ask is  
15 based on betting a fair and impartial jury for both the People  
16 and the defendant.

17 Is it Ms. Christensen?

18 Ms. Christensen, how can you tell if somebody's  
19 telling the truth?

20 JUROR CHRISTENSEN: Well, I think you just have to  
21 go with the facts that you know rather than trying to tell by  
22 the way they act. What you hear from in the evidence would  
23 probably help you decide that. I suppose sometimes people act  
24 fidgety or something, but I don't know if that particularly  
25 would tell you anything.



1 MR. CUSICK: Ms. Carlisle—  
2 THE COURT: Hold on a second.  
3 UNIDENTIFIED JUROR: We're having a hard time—  
4 THE COURT: Okay. You're going to need to speak  
5 up—  
6 JUROR CHRISTENSEN: Not loud enough?  
7 THE COURT: —a little bit, ma'am.  
8 JUROR CHRISTENSEN: Sorry.  
9 THE COURT: That's okay.  
10 JUROR CHRISTENSEN: I said that I thought probably  
11 the evidence that you were hearing would give you some idea of  
12 the truthfulness of the person rather than going by what they  
13 look like or how they spoke, I think's kind of what I said.  
14 MR. CUSICK: Is it Ms. Carlisle?  
15 JUROR CARLISLE: Yes.  
16 MR. CUSICK: Ms. Carlisle, how do you determine if  
17 somebody is credible or somebody is telling the truth?  
18 JUROR CARLISLE: Well, the facts; and when  
19 they're—when they're not—I'm going by my kids.  
20 MR. CUSICK: I'm sorry. You said something.  
21 JUROR CARLISLE: They're very—  
22 MR. CUSICK: Can you please speak up.  
23 JUROR CARLISLE: They're very fidgety—  
24 MR. CUSICK: Okay.  
25 JUROR CARLISLE: —and they don't look right at you.

1 And I just—I go by all the facts and what is truthful.

2 MR. CUSICK: You look to see if the other facts  
3 corroborate what the witness is saying?

4 JUROR CARLISLE: Yes, sir.

5 MR. CUSICK: Do you agree with that,  
6 Ms. Christensen?

7 JUROR CHRISTENSEN: Yes.

8 MR. CUSICK: Mr. Taggett—

9 JUROR TAGGETT: Yes.

10 MR. CUSICK: —what are some of the things that you  
11 look for to determine if a witness or somebody's telling the  
12 truth?

13 JUROR TAGGETT: Their confidence, steadiness of  
14 voice, posture, just, you know, visual cues, and the facts, of  
15 course.

16 MR. CUSICK: And the facts?

17 JUROR TAGGETT: Yes.

18 MR. CUSICK: Mr. Beatty? Is it Beatty?

19 JUROR BEATTY: Yes, sir. I would answer the same  
20 way as the other prospective jurors and just say, on their  
21 face, what I would determine on the facts.

22 MR. CUSICK: Okay. And would you look to see what  
23 other—what that witness said in a vacuum, or would you look at  
24 what that witness said based on all of the evidence?

25 JUROR BEATTY: Based on all the evidence.

1 MR. CUSICK: Do you agree with that, Mr. Taggett?  
2 JUROR TAGGETT: Yes.  
3 MR. CUSICK: Mr. Turner, would you agree with that?  
4 JUROR TURNER: Yes.  
5 MR. CUSICK: Okay. Mr. Jackson, do you agree with  
6 that?  
7 JUROR JACKSON: Yes, I do.  
8 MR. CUSICK: Okay. So is it fair to say,  
9 Ms. Christensen, that you would look at all of the evidence  
10 and determine through your own common sense what you believe?  
11 Is that a fair statement?  
12 JUROR CHRISTENSEN: Yes.  
13 MR. CUSICK: Ms. Carlisle, you agree with that?  
14 JUROR CARLISLE: Yes, I do.  
15 MR. CUSICK: Okay. Mr. Comiskey, do you agree with  
16 that? Is there any issue that you have with that?  
17 JUROR COMISKEY: I have no issues with looking at  
18 all the evidence.  
19 MR. CUSICK: Okay. And how many—I think the judge  
20 alluded to this. How many people have heard the term beyond a  
21 shadow of a doubt?  
22 How many people have heard the term beyond all  
23 doubt?  
24 How many people have heard the term more likely than  
25 not?

1 Have you heard this—Raise your hand if you heard  
2 this on, maybe, a television show like CSI—

3 UNIDENTIFIED JUROR: Uhm-hmm.

4 MR. CUSICK: —*Perry Mason*.

5 UNIDENTIFIED JUROR: Yeah.

6 MR. CUSICK: Is that—Ms. Christensen, is that where  
7 you heard it possibly?

8 JUROR CHRISTENSEN: On TV.

9 MR. CUSICK: Okay. Ms. Koelbel?

10 JUROR KOELBEL: I heard it at a previous trial,  
11 plus on TV.

12 MR. CUSICK: Okay. Well, that's—Those terms beyond  
13 a shadow of a doubt, beyond all doubt, more likely than not,  
14 those terms—I want you to forget about those terms. That's  
15 not the standard that the People—that I'm held to. I can't  
16 just say, well, more likely than not, the defendant did it. I  
17 have a higher standard than that.

18 I also—But I don't have a standard beyond all doubt  
19 or beyond a shadow of a doubt. The standard that I have to  
20 prove is beyond a reasonable doubt—And the judge alluded  
21 that.—based on reason and based on common sense.

22 Mr.—Is it Duong?

23 JUROR DUONG: Yeah.

24 MR. CUSICK: Do you—Do you understand that?

25 JUROR DUONG: Yes.

1 MR. CUSICK: Okay. Ms. Gottschalk—

2 JUROR GOTTSCHALK: Yes.

3 MR. CUSICK: Is that correct?

4 —do you have an issue with that, or do you  
5 understand common sense and reason is what reasonable doubt  
6 is?

7 JUROR GOTTSCHALK: Yes.

8 MR. CUSICK: Okay. That's Ms. Sykes. If—I'm going  
9 to give you a hypothetical situation. We can't really tell  
10 because the blinds are closed. But, if an individual comes  
11 from walking on the street, comes into the courtroom, if that  
12 person has a raincoat on, is drenched in water, and has an  
13 umbrella and you've been in here all day, haven't been able to  
14 see what the weather is like outside, what would you—what  
15 would that feature indicate to you?

16 JUROR GOTTSCHALK: I may choose to infer that it's  
17 raining outside—

18 MR. CUSICK: Okay. Why—

19 JUROR GOTTSCHALK: —based on my previous knowledge  
20 about . . . (inaudible) picture of what I would see that it  
21 was raining outside.

22 MR. CUSICK: And you would be able to use your  
23 common sense to determine, well, it must be raining outside,  
24 even though you weren't able to specifically see the rain.

25 JUROR GOTTSCHALK: I would likely determine it was

1 raining outside.

2 MR. CUSICK: Okay. Mr. Burkett, do you-do you

3 agree with that answer?

4 JUROR BURKETT: Yes.

5 MR. CUSICK: Okay. Mr. Beatty, do you agree with

6 that answer?

7 JUROR BEATTY: Yes, sir, I do.

8 MR. CUSICK: Is there anybody that disagrees that

9 you can use your common sense from a scenario like that? Even

10 though you didn't see it specifically, your common sense

11 indicates that it's raining outside.

12 Does anybody have children here?

13 Anybody have young children currently five, six,

14 seven years old?

15 Mr. Duong, you have a five or six-year old?

16 JUROR DUONG: Yes.

17 MR. CUSICK: Okay. It's you and your-your five-

18 Is it a five-year-old daughter or-

19 JUROR DUONG: Six-year-old son.

20 MR. CUSICK: A six-year-old son. Mr. Duong, you

21 and your six-year-old son are the only people in the

22 house-Okay?-and you have to do some work in the back yard and

23 he's watching television. There's a cookie jar in the

24 kitchen-Okay?-has a couple of cookies left.

25 And you tell him, I'm going to go outside for ten

1 minutes, and I don't want you to take a cookie out of that  
2 cookie jar. It's only you and him in the house.

3 You go outside. You come back ten minutes later and  
4 the cookies are gone. Just based on your experience, based on  
5 your common sense, what would that indicate to you?

6 JUROR DUONG: That he ate them.

7 MR. CUSICK: Okay. Would you basically have any  
8 problem with saying my son ate the cookies?

9 JUROR DUONG: No.

10 MR. CUSICK: Okay. It might even strengthen it if  
11 he had cookie crumbs on his face, correct?

12 JUROR DUONG: Yes.

13 MR. CUSICK: Okay. But you don't need to see the  
14 cookie crumbs to know that, right?

15 Does anybody have a problem with that scenario?

16 Okay. I indicated briefly about *CSI* and *Perry Mason*  
17 and some of these shows on television. Can I have some hands  
18 of people that watch those shows again.

19 Mr. Turner, I have to confess that I've seen it a  
20 couple of times—*CSI*—watched *Perry Mason*. I didn't—It's not  
21 the reason I became a lawyer or anything. So I haven't  
22 watched too many shows. But is it fair to say that  
23 evidence—scientific evidence in *CSI* seems to just come like  
24 that, it seems to be pretty easy?

25 JUROR TURNER: Yeah.

1 MR. CUSICK: And is *CSI* a documentary, or is it a  
2 fictional television show?

3 JUROR TURNER: Fictional.

4 MR. CUSICK: Okay. And what's—Through your life  
5 experience, what do fictional television shows tell you about  
6 what really happens in the court or what really happens in  
7 science?

8 JUROR TURNER: It's the furthest thing from the  
9 truth.

10 MR. CUSICK: Okay. Okay. That's—And you're—Are  
11 you able to put that aside?

12 JUROR TURNER: Yes.

13 THE COURT: I'm—I didn't hear the answer.

14 MR. CUSICK: Furthest thing from the truth, I  
15 believe he said.

16 THE COURT: Just a reminder—

17 MR. CUSICK: Is that correct—

18 JUROR TURNER: Yes.

19 THE COURT: —speak up.

20 MR. CUSICK: —Mr.—

21 JUROR TURNER: Okay.

22 THE COURT: Thank you.

23 MR. CUSICK: Okay. So—And you're able to put aside  
24 whatever you might have heard from television or a fictional  
25 show and say, well, that's not really what science is about.



1 I'll listen to the scientists or the evidence that comes in at  
2 trial?

3 JUROR TURNER: Yes.

4 MR. CUSICK: Everybody agree with that? Anybody  
5 have a problem with that?

6 Mr. Comiskey, now you're a chemist, correct?

7 JUROR COMISKEY: Correct.

8 MR. CUSICK: Okay. And what kind of—Can you just  
9 briefly—I'm not a chemist. That's why I went to law school.  
10 I'm not an engineer 'cause I could never be a chemist or  
11 engineer. So can you—can you describe what you do for a  
12 living.

13 JUROR COMISKEY: Yeah, I develop and troubleshoot  
14 chemical tests for pharmaceuticals for potency and impurities.  
15 And we have to—we have to rely on the evidence—

16 MR. CUSICK: Right.

17 JUROR COMISKEY: —when things go—You know, we can't  
18 just assume things; so—

19 MR. CUSICK: Okay.

20 JUROR COMISKEY: —you have to rely on evidence.

21 MR. CUSICK: Is it fair—Is it fair to say that in  
22 chemistry things have to be basically perfect oftentimes for—

23 JUROR COMISKEY: They're never—

24 MR. CUSICK: —for an event—

25 JUROR COMISKEY: —perfect.

1 MR. CUSICK: What's that?

2 JUROR COMISKEY: They're never perfect.

3 MR. CUSICK: Never perfect.

4 JUROR COMISKEY: No.

5 MR. CUSICK: So imperfection happens a lot; is that

6 fair to say?

7 JUROR COMISKEY: I'm sorry?

8 MR. CUSICK: Imperfection happens often in

9 chemistry?

10 JUROR COMISKEY: Correct.

11 MR. CUSICK: And, based on your experience, things

12 don't happen a hundred percent clear? It's not always clear

13 to you in your profession, correct?

14 JUROR COMISKEY: That's correct.

15 MR. CUSICK: So I'm learning a little about

16 chemistry. Maybe I thought it was a little bit more certain.

17 But you'll agree that the same things' true of the

18 evidence in the case. There's things that might not seem

19 perfect to you, but you're going to be able to use your common

20 sense to try to find the truth.

21 Do you agree with that statement?

22 JUROR COMISKEY: Yes, I would.

23 MR. CUSICK: Ms. Ball—I'm sorry.—you're over there.

24 Would you agree with that?

25 JUROR BALL: Yes.

1 MR. CUSICK: Okay.

2 THE COURT: Hold on one moment.

3 You need a break or you want—

4 Yes? Okay.

5 Is there anyone else here who needs a break? Raise

6 your hand if you do.

7 No one does. Okay.

8 Ms. Wint should be on her way. I'm going to let

9 her—

10 I'm assuming you need to use the restroom.

11 UNIDENTIFIED JUROR: Yes. I'm sorry.

12 THE COURT: —let her take you out, and then we'll

13 wait patiently for you before we proceed. Okay?

14 So she'll just—

15 UNIDENTIFIED JUROR: I'm sorry.

16 THE COURT: No, that's okay.

17 UNIDENTIFIED JUROR: Thank you.

18 (At 2:30 p.m., unidentified juror exits courtroom)

19 THE COURT: So, ladies and gentlemen, if you want

20 to stand and stretch a moment while we're waiting, you're

21 welcome to do that. We're still on the record. So, again,

22 please don't talk. So please don't talk. We're still on the

23 record. Okay?

24 Yeah, and, folks in the back row, if you want to

25 move up and see if there's empty seats, if it's hard to hear,

1 you're welcome to try to do that. If everyone else might just  
2 scoot over to the outside aisles, that would be great. Then  
3 they can make that choice. They don't have to.

4 Ma'am, right now you just have to stand in the back  
5 because all the jurors are seated in the rows, but you're  
6 welcome to stay.

7 (At 2:34 p.m., unidentified juror returns to  
8 courtroom)

9 UNIDENTIFIED JUROR: So sorry.

10 THE COURT: That's fine.

11 All right. We will continue.

12 MR. CUSICK: Thank you, your Honor.

13 Ms. Bourget? Ms. Bourget, what are some of the  
14 things that you look at to determine what somebody's intent  
15 may be.

16 JUROR BOURGET: What their intent is or when  
17 they're intent?

18 MR. CUSICK: What their intent is--I--t-e-n-t--what  
19 they intend to do. What are some of the things you might look  
20 for? I don't mean to, you know, try to put anybody on the  
21 spot. I just want to have a conversation to--

22 JUROR BOURGET: Sure.

23 So you're trying--How would I determine what  
24 someone's intent is, if they meant to do--

25 MR. CUSICK: Yeah.

1 JUROR BOURGET: -something.

2 MR. CUSICK: Yeah, somebody—are there ways to look  
3 at somebody's intent. Have you heard of the term, actions  
4 speak louder than words?

5 JUROR BOURGET: Sure.

6 MR. CUSICK: What does that mean to you?

7 JUROR BOURGET: It means that people say—what they  
8 say may not be exactly what they mean but often what they do  
9 is their ultimate purpose. People work toward their ultimate  
10 purpose, perhaps, with action rather than with words.

11 MR. CUSICK: Okay. That makes sense.

12 Ms. Wiedmayer, do you agree with that, the statement  
13 that—How else are the things—are some of the things that you  
14 look for? What are those things to determine what somebody's  
15 intent is?

16 JUROR WIEDMAYER: I think I could do with the  
17 actions—

18 THE COURT: I think you're going to have to speak  
19 up a little bit. I'm sorry.

20 JUROR WIEDMAYER: I believe the action does speak  
21 louder than words. You can state them, but, until  
22 . . . (inaudible)

23 MR. CUSICK: Okay. Mr. Turner, do you have any  
24 ways that you look at somebody's intent?

25 JUROR PARKER: Me?

1 MR. CUSICK: Yeah. I'm sorry. Is it Mr. Parker?  
2 JUROR PARKER: Yeah, it's Parker.  
3 MR. CUSICK: I'm sorry. Mr. Turner's here. Sorry.  
4 There's a lot of—a lot of names I got to—got to know.  
5 JUROR PARKER: No problem.  
6 What was the question again?  
7 MR. CUSICK: For intent. Are there things that you  
8 look at to determine what somebody intends to do or what their  
9 intent is?  
10 JUROR PARKER: Body language—  
11 MR. CUSICK: Okay.  
12 JUROR PARKER: —and like that.  
13 MR. CUSICK: Ms.—Ms. Bourget, if you see somebody  
14 outside and you see somebody get pushed over and robbed, the  
15 person that robs that individual, is it pretty obvious what  
16 their intent is to you?  
17 JUROR BOURGET: Yes.  
18 THE COURT: Their intent would be to take  
19 something, right?  
20 JUROR BOURGET: Correct.  
21 MR. CUSICK: Can you read minds?  
22 JUROR BOURGET: No.  
23 MR. CUSICK: I can't read minds either.  
24 Ms. . . . (inaudible), do you agree with that?  
25 UNIDENTIFIED JUROR: I do.

1 MR. CUSICK: Is it Wiedmayer?  
2 JUROR WIEDMAYER: Wiedmayer.  
3 MR. CUSICK: Wiedmayer. Do you agree—agree with  
4 that that we determine people's intent by looking at the  
5 surrounding circumstances, by looking at their actions,  
6 sometimes looking at their words and what they said—Right?  
7 JUROR WIEDMAYER: . . . (inaudible)  
8 MR. CUSICK: —but that we can't read minds and  
9 using our common sense to determine what somebody's intent is?  
10 Does everybody agree with that?  
11 UNIDENTIFIED JUROR: Yes.  
12 MR. CUSICK: Anybody disagree with that?  
13 Mr. Beatty, I'll ask you this question. Do you  
14 agree that everybody in our society is protected by the laws?  
15 JUROR BEATTY: Yes, sir.  
16 MR. CUSICK: Okay. And so the same example that I  
17 just gave Ms. Bourget that if somebody is outside and they get  
18 robbed, it'd be—a wrong has been done if that person might be  
19 a prominent doctor in the community, correct?  
20 JUROR BEATTY: It would be wrong if it was anybody  
21 . . . (inaudible)  
22 MR. CUSICK: That's my point. It doesn't matter if  
23 that person's a doctor. It doesn't matter if that person's  
24 a—It doesn't matter if that person might have made bad choices  
25 in life, correct?

1 JUROR BEATTY: Correct.

2 MR. CUSICK: Does it even matter if that person may  
3 have had a criminal record or done things that you and I might  
4 be appalled by? Does that even matter? Does that person  
5 deserve to be robbed at that—at that time?

6 JUROR BEATTY: No, sir.

7 MR. CUSICK: Exactly. I agree.

8 Does everybody agree with that? Does anybody  
9 disagree with the fact that, regardless of who you are or  
10 regardless of choices that you made in life, that nobody  
11 deserves to have a crime committed on them? Does anybody dis-

12 Now that's how our society and system of laws occur.

13 So, Mr. Turner, if you see witnesses on the stand or  
14 hear things about a victim in this case, even if you strongly  
15 disagree with the lifestyle that they live, is that going to  
16 affect your judgment on the facts of this case as to what  
17 happened?

18 JUROR TURNER: No.

19 MR. CUSICK: Okay. Mr. Taggett, will that have any  
20 effect on you?

21 JUROR TAGGETT: No.

22 MR. CUSICK: We're going to—we're not judging  
23 individuals here, we're looking at the facts. Does everybody  
24 agree with that? Anybody have an issue with that?

25 Everybody is protected by the laws.



1           Mr. Jackson, how do you usually get your news? Do  
2 you read newspapers, you go online, watch television?

3           JUROR JACKSON: A combination.

4           MR. CUSICK: Okay.

5           JUROR JACKSON: Not so much television; newspapers  
6 and online.

7           Mr. CUSICK: Okay.

8           THE COURT: I think you're going to have to speak  
9 up. I think you said television, newspaper, or online. Is  
10 that what you said, sir?

11          JUROR JACKSON: Yes.

12          THE COURT: All right.

13          MR. CUSICK: Okay.

14          THE COURT: Go ahead.

15          MR. CUSICK: And I'm not going to go too much into  
16 the facts in this case, but this is a homicide that occurred  
17 on April 24<sup>th</sup> of 2011 and—on Mabel Street.

18          Have you heard about this through the news at all?

19          JUROR JACKSON: I don't recall it, no.

20          MR. CUSICK: Okay. If you did, will you be able  
21 to, if you heard anything on the news, separate anything that  
22 you heard and only base your decision on the witnesses that  
23 testify, the exhibits that are—that are admitted, the evidence  
24 in the case?

25          JUROR JACKSON: I could do that.

1 MR. CUSICK: Mr. Taggett, same thing.

2 JUROR TAGGETT: . . . (inaudible)

3 MR. CUSICK: Anybody that's—that heard anything  
4 about this case, will you be able to put that aside?

5 Has anybody formed an opinion about the case?

6 UNIDENTIFIED JUROR: Anybody did what?

7 MR. CUSICK: Formed an opinion about this case as  
8 of yet.

9 You haven't heard any evidence coming from the  
10 witness stand—Correct?—so it's pretty hard to form an opinion.  
11 Okay.

12 THE COURT: Let me just jump in and indicate, too,  
13 whoever is selected on the jury, if, at anytime you realize,  
14 oh, I know a witness—And sometimes they come to the stand and  
15 one of our jurors might recognize that person.—or if you  
16 realize later on, oh, I might have heard something about the  
17 case or whatnot, please make sure that you bring that to our  
18 attention whether it's in the middle of the trial or now,  
19 later on as voir dire goes. So just please make sure you pass  
20 the information along to us.

21 Go ahead, Counsel.

22 MR. CUSICK: Thank you, your Honor.

23 Now, once again, I'm not going to go into the facts  
24 of the case; but this is a homicide case and, by its very  
25 nature, it's—there's going to be graphic evidence. There's

1 going to be evidence that none of us would like to see and  
2 none of us feel comfortable seeing.

3 Mr. Jackson, would you have a problem analyzing that  
4 evidence, photos or testimony? As gruesome as that may be,  
5 you'd be able to analyze that evidence in a fair and impartial  
6 way?

7 JUROR JACKSON: I would not have a problem.

8 MR. CUSICK: Ms. Sykes?

9 JUROR SYKES: No, it would not be a problem.

10 MR. CUSICK: Okay. Anybody have a problem with  
11 that?

12 Now here's a question that sometimes comes up--not  
13 this particular question, but I'm asking the question to prove  
14 a point.

15 Mr. Comiskey, if I walked outside on the street and  
16 saw a guy that I didn't know--a man that I didn't know anything  
17 about and I went up to him and said, have you stopped beating  
18 your wife, would you say that that's a pretty unfair question?

19 JUROR COMISKEY: Yes.

20 MR. CUSICK: Okay. And there's really not a right  
21 answer to that, correct? Because, if you say yes--

22 JUROR COMISKEY: Not yes or no.

23 MR. CUSICK: --it means you used to; if you said,  
24 no, then it's--you're a pretty bad guy, too, right?

25 JUROR COMISKEY: Yeah.

1 MR. CUSICK: Okay. And I say that, not because I'm  
2 going to be asking outrageous questions or because  
3 Mr. Champion's going to be asking outrageous questions, but I  
4 mention that because, no matter how loud I ask the question or  
5 how loud I object or how loud Mr. Champion objects or how he  
6 asks a question, the questions in this case and what the  
7 lawyers say is not evidence. The evidence is the exhibits  
8 that are admitted and the testimony coming from the witness  
9 stand.

10 Ms. Carlisle, do you understand that?

11 JUROR CARLISLE: Yes, I do.

12 MR. CUSICK: Ms. Christensen?

13 JUROR CHRISTENSEN: Yes.

14 MR. CUSICK: Ms. Wiedmayer?

15 JUROR WIEDMAYER: Yes.

16 MR. CUSICK: Okay. So that's kind of an extreme  
17 example, but, you know, just because I ask a question or just  
18 because Mr. Champion asks a question doesn't necessarily mean  
19 it's true or something that you should analyze; you should  
20 analyze the testimony from the witness stand.

21 I'm going to ask a couple quick questions here.  
22 And, once again, I don't mean to pry into anybody's life. I  
23 just ask for a fair and honest answer.

24 Has anybody ever been the victim of a crime or known  
25 somebody to be a victim of a crime?

1 Ms. Sykes, I'll start with you.

2 And I think it's fair to say, if you need to  
3 approach, I think the Court would appreciate that.

4 THE COURT: Sure. If at anytime, again, you need  
5 to—you would like to speak with us at the bench, you just let  
6 us know.

7 Go ahead.

8 MR. CUSICK: Ms. Sykes, do you—have you been the  
9 victim of a crime, or do you know somebody who has?

10 JUROR SYKES: No. I know multiple victims of  
11 crimes.

12 MR. CUSICK: Okay. And what types of crimes,  
13 different?

14 JUROR SYKES: I've worked for the last four years  
15 in the child welfare system, a counselor that works with  
16 traumatic experiences and families that have substantiated  
17 . . . (inaudible)

18 MR. CUSICK: So this is kind of commonplace victims  
19 of crimes you meet on almost a daily basis—

20 JUROR SYKES: Yes.

21 MR. CUSICK: — . . . (inaudible)

22 JUROR SYKES: Yes.

23 MR. CUSICK: Are you able to put aside your  
24 experiences and what you know from working with victims or—

25 Did you also deal with people who've been convicted

1 of crimes, or do you—

2 JUROR SYKES: Yes, I have.

3 MR. CUSICK: So you deal with both people who have

4 been convicted as well as victims?

5 JUROR SYKES: Yes, but primarily the victims.

6 MR. CUSICK: Okay. Are you able to put that aside,

7 just look at the evidence in this case and judge the evidence

8 and not use your own experiences—

9 JUROR SYKES: Yes.

10 MR. CUSICK: — . . . (inaudible)

11 I'm sorry. I didn't see all the hands that went up.

12 Ms. Koelbel?

13 JUROR KOELBEL: Is this something recent or

14 something that happened a while ago?

15 MR. CUSICK: It can be something that happened a

16 while ago.

17 JUROR KOELBEL: Okay. This was a long while ago.

18 MR. CUSICK: Okay. And you don't have to be too

19 detailed. It could just be the type of crime.

20 JUROR KOELBEL: A very, very close friend of mine

21 and his wife were murdered. She was dismembered. It was a

22 real long time before I was able to get over that.

23 MR. CUSICK: Okay. Now that's a situation that

24 happened a long time ago?

25 JUROR KOELBEL: Yes.

1 MR. CUSICK: And it's fair to say that what  
2 happened then doesn't have the same, you know, necessarily the  
3 same facts that happened in this case . . . (inaudible)  
4 JUROR KOELBEL: Correct.  
5 MR. CUSICK: Well, are you going--Are you going to  
6 be able to be fair and impartial as a juror for both the  
7 People and the defendant, even based on that experience?  
8 JUROR KOELBEL: Well, I'm thinking that I can be  
9 unless--unless the photos that I see are similar to what I've  
10 already experienced with my friend and his wife.  
11 MR. CUSICK: Are you--Are you willing to judge  
12 the--the evidence through the--not that experience, but through  
13 the witnesses that come and testify in this case?  
14 JUROR KOELBEL: I'll do my very best.  
15 MR. CUSICK: I appreciate that. Thank you.  
16 Mr. Duong--Duong, did you raise your hand?  
17 JUROR DUONG: Yes.  
18 MR. CUSICK: Okay.  
19 JUROR DUONG: May I approach the bench?  
20 THE COURT: Yes.  
21 Counsel?  
22 (At 2:46 p.m., bench conference as follows:  
23 THE COURT: Go ahead.  
24 JUROR DUONG: About 30 years ago, my parents  
25 were murder/suicide.

1 THE COURT: Okay.

2 JUROR DUONG: My dad killed my mom.

3 THE COURT: Okay.

4 JUROR DUONG: So I just—

5 THE COURT: All right. Let me ask you this:

6 putting that aside—Or could you put that aside,

7 then, for the case; or do you think it's going to

8 bring out emotions and maybe you're not the best

9 person to sit?

10 JUROR DUONG: That's what I don't want to

11 happen, but—

12 THE COURT: Okay.

13 JUROR DUONG: —I don't really know. I mean—

14 THE COURT: Okay.

15 JUROR DUONG: —it took me a while to get over

16 it—

17 THE COURT: Okay.

18 JUROR DUONG: —you know. Just—

19 THE COURT: All right.

20 JUROR DUONG: —being the type of trial or case

21 this is, yeah, I don't know.

22 THE COURT: Okay. Let me see if the attorneys

23 have any questions. Hold on a—

24 Any questions for him?

25 You can stay right here.



1 MR. CUSICK: Did that experience have any—Are  
2 you still able to just listen to the evidence in  
3 this case and just judge—make a determination based  
4 on the testimony of the witnesses and the exhibits  
5 without any—Not only that experience but all of your  
6 experience in life, are you able to just judge the  
7 evidence based on what's presented in a fair and  
8 impartial way?

9 JUROR DUONG: I guess I—I don't know.

10 MR. CUSICK: I don't have anything further.

11 THE COURT: Do you have any questions,  
12 Mr. Champion?

13 MR. CHAMPION: No.

14 THE COURT: Please step back a couple steps a  
15 second. Let me talk to the attorneys a second.

16 Any position or any—

17 MR. CUSICK: . . . (inaudible) that he can't  
18 be fair and impartial, so—

19 MR. CHAMPION: I'd move for cause.

20 THE COURT: I'm sorry?

21 MR. CHAMPION: I'd move for cause.

22 THE COURT: Based on?

23 MR. CHAMPION: He can't be—He can't say that  
24 he can be fair and impartial and he doesn't know  
25 what emotions will . . . (inaudible)

1 THE COURT: I'm going to go ahead and excuse  
2 him because—two reasons—first of all, he also did  
3 indicate he had some issues with regards to work;  
4 but, more importantly, I—Certainly, given those  
5 circumstances, we wouldn't want to bring that type  
6 of emotion back and cause anyone to have—remember  
7 those things again, I think.

8 MR. CUSICK: Uhm-hmm.

9 THE COURT: So I'll go ahead and excuse him.

10 MR. CUSICK: Okay.)

11 THE COURT: I'm going to go ahead and excuse you,  
12 sir. You can place your basket—or badge in the basket in the  
13 back—

14 JUROR DUONG: Thank you.

15 THE COURT: —of the courtroom there.  
16 Thank you for your time today.  
17 We'll select another name for seat number 11.

18 THE CLERK: Robin Reibeling—R-e-I-b-e-l-I--g.

19 MR. CUSICK: Proceed, your Honor?

20 THE COURT: Give me one second.  
21 Sir, before I turn it back over to Mr. Cusick, were  
22 you able to hear everything—

23 JUROR REIBELING: Yes.

24 THE COURT: —from where you were seated?  
25 Anything you want to bring to our attention that you

1 can think of right now, sir, based on the issues and questions  
2 previously raised?

3 JUROR REIBELING: No.

4 THE COURT: All right. Go ahead.

5 MR. CUSICK: Thank you, your Honor.

6 And—I'm sorry.—anybody else raise their hand for my  
7 last question?

8 Okay. Mr. Comiskey?

9 JUROR COMISKEY: Victim of a crime. I was not a  
10 victim of the crime, but I do know somebody who  
11 . . . (inaudible)

12 MR. CUSICK: Okay. And will you be able to put  
13 that aside and judge the evidence in this case based on the  
14 testimony and based on the exhibits—

15 JUROR COMISKEY: Yes.

16 MR. CUSICK: Okay.—in a fair and impartial way?

17 JUROR COMISKEY: Yes.

18 MR. CUSICK: Okay. Ms. Wiedmayer?

19 JUROR WIEDMAYER: I wasn't the victim of a crime,  
20 but I know a couple of instances, a close friend of my  
21 great-niece.

22 And, also, I work in an area where we do see people  
23 sometimes that are victims.

24 MR. CUSICK: Okay. And are you able to put those  
25 experiences aside and just, in a fair and impartial way, look

1 at the evidence and the testimony in this case?

2 Thank you.

3 And then, on the other side of that, has anybody  
4 been convicted of a crime, either a felony or a misdemeanor?  
5 Raise your hand.

6 Mr. Parker, correct?

7 JUROR PARKER: May I approach the bench?

8 MR. CUSICK: Yes.

9 THE COURT: Counsel?

10 (At 2:51 p.m., bench conference as follows:

11 THE COURT: Go ahead, Mr. Parker.

12 JUROR PARKER: I was convicted of—What is  
13 it?—distribution of marijuana.

14 THE COURT: Okay. When was that, sir?

15 JUROR PARKER: A couple years ago.

16 THE COURT: A couple years ago.

17 Here in Kalamazoo County?

18 JUROR PARKER: Uh-huh.

19 THE COURT: Okay. So it was—It was brought by  
20 the—the prosecuting attorney's office here locally?

21 JUROR PARKER: Uhm-hmm.

22 THE COURT: Okay. Any questions? Any  
23 follow-up questions?

24 MR. CUSICK: Sir, it was delivery—delivery of  
25 a controlled substance; is that what it was?

1 JUROR PARKER: Yeah, delivery.  
2 MR. CUSICK: Is there any other crimes-  
3 JUROR PARKER: . . . (inaudible)  
4 MR. CUSICK: - . . . (inaudible) Okay.  
5 Based on that experience, do you have any bias  
6 or dislike for law enforcement?  
7 JUROR PARKER: Yeah.  
8 THE COURT: I'm sorry. For officers; is that  
9 what you said?  
10 MR. CUSICK: For law enforcement.  
11 THE COURT: For law enforcement. Okay.  
12 JUROR PARKER: Yeah.  
13 MR. CUSICK: Okay. Would that bias affect  
14 your ability to be fair and impartial in this case?  
15 JUROR PARKER: Honestly, yes.  
16 MR. CUSICK: I have nothing further.  
17 THE COURT: Any other questions?  
18 All right. Step back a second, Mr. Parker.  
19 We'll talk to the attorneys.  
20 Any position?  
21 MR. CUSICK: If he can't be fair and  
22 impartial. I don't believe he can.  
23 MR. CHAMPION: Is that what he said?  
24 THE COURT: Okay. I'll go ahead and excuse  
25 him.)

1 THE COURT: Thank you, Mr. Parker. We appreciate  
2 your time. You are also excused, sir.

3 I don't know if you have a bag or something to go or  
4 no.

5 JUROR PARKER: Just the badge.

6 THE COURT: Just your badge. Okay. You can place  
7 your badge in the basket on the left side of the double doors.  
8 Have a good day, sir.

9 We'll select another name for seat number two.

10 THE CLERK: Douglas Herder-H-e-r-d-e-r.

11 THE COURT: Mr. Herder, anything you want to bring  
12 to our attention based on what was previously addressed, sir?

13 JUROR HERDER: No.

14 THE COURT: No.  
15 Go ahead.

16 MR. CUSICK: Thank you, your Honor.

17 Does anybody have an experience dealing with law  
18 enforcement that would affect their ability to be fair one way  
19 or the other in this case? And what I mean by that is either  
20 if you had a bad experience with a police officer or if you  
21 know a police officer or are friends with police officers  
22 would that relationship affect you to be partial in one way or  
23 the other?

24 Mr. Turner?

25 JUROR TURNER: I'm a firefighter. I know a lot of

1 police officers. It would not affect the way I would rule or  
2 the way I would do.

3 MR. CUSICK: Okay. And I believe that there is  
4 a--the judge is going to read an instruction that a police  
5 officer's testimony is to be not weighed any heavier or  
6 any--any more credible or any less credible than any other  
7 person; that they're just the same as anybody else, and you  
8 shouldn't look at a police officer and say, well, they're more  
9 likely to tell the truth or they're more likely not to tell  
10 the truth. You wouldn't have a problem with that?

11 JUROR TURNER: No.

12 MR. CUSICK: Everybody agree with that? Okay.

13 I'm going to finish up pretty soon, but I just  
14 wanted to ask a couple questions regarding what the judge  
15 asked earlier.

16 Ms. Ball, you indicated you might have some hardship  
17 on a--serving on the jury. Am I correct with that? I know it  
18 was a while ago, earlier in the day.

19 THE COURT: There was a witness. I think she  
20 indicated she knew a witness.

21 MR. CUSICK: Oh, you indicated you--Would you have  
22 any--You indicated to the judge that that wouldn't affect your  
23 judgment in any way?

24 JUROR BALL: Correct.

25 MR. CUSICK: Okay. Thank you.

1                   Your Honor, at this time, I have nothing further.

2                   Thank you.

3                   Mr. Champion?

4                   I guess—How are we doing, ladies and gentlemen? Can  
5 I turn it over to Mr. Champion, or do we need a break? Raise  
6 your hand if you need a break.

7                   All right. Go ahead, Mr. Champion.

8                   MR. CHAMPION: Thank you.

9                   Good afternoon.

10                  UNIDENTIFIED JURORS: Good afternoon.

11                  MR. CHAMPION: How's everyone doing?

12                  UNIDENTIFIED JURORS: Good.

13                  MR. CHAMPION: This is—First thing I like to tell  
14 the jurors, this is the one and only opportunity that I'll  
15 have to speak with you. I think the judge mentioned—

16                  THE COURT: I think you're going to have speak up,  
17 Mr. Champion. When you move away from the podium, it's hard  
18 for them to hear.

19                  MR. CHAMPION: This will be one of the only  
20 opportunities I'm able to speak with you. As the judge  
21 mentioned prior to the break for lunch, if you see myself or  
22 Mr. Cusick or our clients, we're not able to speak with  
23 you—We're not being rude.—but this is our opportunity.

24                  Now, Ms. Ball, Mr. Cusick was stating could you  
25 judge the facts because that's the issue. Could you do that?



1 JUROR BALL: Yes.

2 MR. CHAMPION: What is the issue, do you think  
3 today—or in the trial?

4 JUROR BALL: In this trial specifically or in any  
5 . . . (inaudible)?

6 MR. CHAMPION: In any trial—

7 JUROR BALL: . . . (inaudible)

8 MR. CHAMPION: —for a criminal case.

9 JUROR BALL: Whether or not the defendant is  
10 actually guilty or not.

11 MR. CHAMPION: That's partially true and partially  
12 false. What the issue is—Mr. Cusick spoke on this.—is that  
13 did he prove each and every element beyond a reasonable doubt.  
14 Does that make sense?

15 JUROR BALL: Yes.

16 MR. CHAMPION: 'Cause you can think somebody did  
17 commit a crime, correct?

18 JUROR BALL: . . . (inaudible)

19 MR. CHAMPION: But did they prove—Did the  
20 prosecution prove each and every element beyond a reasonable  
21 doubt? Do you disagree with that?

22 JUROR BALL: . . . (inaudible)

23 MR. CHAMPION: Does anyone disagree with that?  
24 Does that seem right?

25 Mr. Burkett, does that seem right?

1 JUROR BURKETT: I think so.

2 MR. CHAMPION: So you may think somebody committed  
3 a crime, but the prosecution hasn't proven each and every  
4 element beyond a reasonable doubt. Could you still find that  
5 person not guilty?

6 JUROR BURKETT: I believe so.

7 MR. CHAMPION: Actually, that's what the law  
8 requires. If the prosecution hasn't proven each and every  
9 element beyond a reasonable doubt, you have to find the person  
10 not guilty.

11 Can anyone not follow that part of the law? If you  
12 can't, raise your hand.

13 And you might not be able to. There's nothing wrong  
14 with that.

15 Ms. Sykes, have you heard anything about this in the  
16 news, on the radio?

17 JUROR SYKES: I recall the incident very briefly on  
18 the news, but I don't recall any information about it.

19 MR. CHAMPION: What do you think about how the news  
20 reports stories? Do you think it's true?

21 JUROR SYKES: I wouldn't have enough information to  
22 tell . . . (inaudible)

23 MR. CHAMPION: We see a lot of things in the news;  
24 is that correct?

25 JUROR SYKES: Yes.

1 MR. CHAMPION: Is it necessarily all accurate?  
2 JUROR SYKES: No.  
3 MR. CHAMPION: Does everyone agree with that?  
4 Is it possible that, during the trial, to say, well,  
5 I remember this from the radio or reading this in the  
6 newspaper. Will you listen to what's on-coming from the  
7 witness stand and put aside anything you might have heard in  
8 the press?  
9 Mr. Comiskey? Am I saying your name correctly?  
10 JUROR COMISKEY: Joe Comiskey.  
11 MR. CHAMPION: Comiskey.  
12 JUROR COMISKEY: Yeah.  
13 MR. CHAMPION: Mr. Comiskey, what's stronger,  
14 direct evidence or circumstantial evidence?  
15 JUROR COMISKEY: Direct.  
16 MR. CHAMPION: Why?  
17 JUROR COMISKEY: Well, I don't know the definition  
18 of circumstantial evidence; but direct evidence is what-what  
19 is-that's evidence that's, I guess, more concrete.  
20 MR. CHAMPION: The judge is going to give you some  
21 instructions. It's sort of a trick-Excuse me.-question. In  
22 fact, Mr. Cusick was talking about circumstantial evidence  
23 with the cookie crumbs on a person's face. That would be  
24 circumstantial evidence.  
25 Direct evidence could be testimony from a witness on

1 the stand saying I saw this person commit the crime. What do  
2 you think—Just that brief description, what do you think is  
3 stronger, the circumstantial or the direct?

4 JUROR COMISKEY: I guess I would have to say the  
5 direct evidence for that.

6 MR. CHAMPION: Would you agree you haven't heard  
7 all the story, right?

8 JUROR COMISKEY: Right.

9 MR. CHAMPION: You have to actually listen to  
10 everything to come to a conclusion.

11 Mr. Herder, now we're going to go a little bit  
12 further on this direct and circumstantial. I have two  
13 children. Okay. Today was my son's birthday, and I—As I was  
14 getting ready to come to court there was a birthday cake that  
15 his mom made setting on the counter; told him, don't touch the  
16 cake, we're having that after work today. Okay?

17 I come out of the bathroom, and a piece of the cake  
18 is missing; and there is four young people sitting at the  
19 table. And I turn to the first person, which is my son, I  
20 say, what happened to the cake.

21 And (snaps fingers) just like that he says, Lucky  
22 the dog did it.

23 Do you believe that?

24 JUROR HERDER: It's possible.

25 MR. CHAMPION: It's possible. Is that direct

1 evidence by a witness?

2 JUROR HERDER: No.

3 MR. CHAMPION: Why not?

4 JUROR HERDER: You'd have to--No one directly--Well,  
5 if you're asking the question, no one directly--

6 MR. CHAMPION: If my son said, I saw Lucky the  
7 dog--If he took the stand--

8 JUROR HERDER: Oh, he saw Lucky the dog?

9 MR. CHAMPION: Lucky the dog take the cake.

10 JUROR HERDER: Then that would be direct evidence,  
11 I'd say, yes.

12 MR. CHAMPION: Now I tell you that the cake is a  
13 perfectly cut piece missing. Circumstantial evidence,  
14 correct?

15 JUROR HERDER: That the dog ate it, yes  
16 . . . (inaudible)

17 MR. CHAMPION: Well, the circumstantial evidence  
18 that it was a perfectly cut piece out of--out of that cake  
19 missing.

20 JUROR HERDER: Okay.

21 MR. CHAMPION: A nice V, like somebody took a knife  
22 and cut it and removed it. That's circumstantial, right? We  
23 have evidence that there's a piece of cake missing. Why is it  
24 missing? We don't know, but it's circumstantial.

25 JUROR HERDER: Okay.

1 MR. CHAMPION: Now I tell you I turn to the next  
2 young person sitting next to my son, which is my daughter, and  
3 I ask my daughter what happened.

4 Well, Lucky the dog jumped up there and ate the  
5 cake. Another direct testimony that somebody had saw the  
6 crime—or the incident.

7 Turn to a third person, the fourth person. They all  
8 say the same thing.

9 So do you think Lucky the dog ate the cake?

10 JUROR HERDER: I would say chances are not, if it  
11 was a nice cut.

12 MR. CHAMPION: Chances are, not. Why?

13 JUROR HERDER: 'Cause common sense says that's not  
14 how dogs eat.

15 MR. CHAMPION: Excellent.

16 Ms. Carlisle, you think Lucky the dog did it?

17 JUROR CARLISLE: No.

18 MR. CHAMPION: Why?

19 JUROR CARLISLE: Because the cake was cut  
20 perfectly.

21 MR. CHAMPION: That's circumstantial evidence,  
22 right?

23 JUROR CARLISLE: Correct.

24 MR. CHAMPION: But you have some doubt right now,  
25 correct?

1 JUROR CARLISLE: A little, yes.

2 MR. CHAMPION: Well, you've got four people telling  
3 you, eyewitnesses saying Lucky the dog did it, right?

4 JUROR CARLISLE: Right.

5 MR. CHAMPION: Would you agree with me that those  
6 four individuals might have reasons to lie?

7 JUROR CARLISLE: Yes.

8 MR. CHAMPION: Now, if I told you setting in the  
9 sink there is a plate, there's a knife, there's a fork, and  
10 there's chocolate frosting on all those items, do you think  
11 Lucky the dog did it?

12 JUROR CARLISLE: No.

13 MR. CHAMPION: Why?

14 JUROR CARLISLE: Because how would they, the plates  
15 and all that, get into the sink.

16 MR. CHAMPION: And how did the frosting get on the  
17 fork and on the plate—

18 JUROR CARLISLE: Right.

19 MR. CHAMPION: —and on the knife?

20 Ms. Bourget—

21 JUROR BOURGET: Bourget.

22 MR. CHAMPION: Bourget.

23 —do you think Lucky the dog did it?

24 JUROR BOURGET: The dog could have eaten it, but he  
25 didn't cut it.

1 MR. CHAMPION: . . . (inaudible)

2 Now, if I told you that my son and all the other

3 individuals had frosting on their mouths, would you think

4 Lucky the dog ate it?

5 JUROR BOURGET: No.

6 MR. CHAMPION: Unless I have a very talented dog.

7 What's the point of my example, do you think?

8 JUROR BOURGET: Well, the direct evidence and

9 circumstantial evidence can be equally weighed and can offer

10 different things and that people have a reason to not tell the

11 truth.

12 MR. CHAMPION: Correct. And that you have to

13 listen to the entire story before you can come to a firm

14 conclusion. Would you agree with that?

15 Would everyone agree with that?

16 Ms. Koelbel—

17 JUROR KOELBEL: Yes.

18 MR. CHAMPION: Say your name correctly?

19 JUROR KOELBEL: Yes.

20 MR. CHAMPION: —is it possible for a police officer

21 to see something, tell the truth of what he saw or heard, and

22 be mistaken? Of course, it applies to everyone.

23 Would everyone agree with that?

24 Mr. Taggett, why do people lie?

25 JUROR TAGGETT: 'Cause they want to get out of—



1 THE COURT: I think you have to speak up, sir.

2 JUROR TAGGETT: 'Cause they want to get out of

3 their punishment.

4 MR. CHAMPION: Want to get out of--That's one

5 reason.

6 Would you agree?

7 UNIDENTIFIED JUROR: . . . (inaudible)

8 MR. CHAMPION: Mr. Turner, why do people lie?

9 JUROR TURNER: They don't want to face the

10 consequences.

11 MR. CHAMPION: Consequences. They may think

12 they'll get a benefit. Would you agree with that?

13 UNIDENTIFIED JUROR: Yes.

14 MR. CHAMPION: Would everyone agree with that?

15 Has everyone had the opportunity to judge the

16 credibility of someone if they're telling the truth or not?

17 Does anyone have--Especially, if you have children,

18 that's a normal process--

19 Would everyone agree?

20 --or siblings.

21 Has anyone ever been falsely accused by one of their

22 siblings or friends of something? If you haven't, raise your

23 hand.

24 Mr. [sic] Gottschalk? No.

25 JUROR GOTTSCHALK: Mrs.

1 MR. CHAMPION: Oh, Mrs. Gottschalk.  
2 We have so many people.  
3 JUROR GOTTSCHALK: That's fine.  
4 MR. CHAMPION: If I was to ask you right now, is my  
5 client guilty or innocent, what would you say?  
6 JUROR GOTTSCHALK: I don't know.  
7 MR. CHAMPION: You have to say innocent.  
8 Why?  
9 JUROR GOTTSCHALK: Oh, true.  
10 MR. CHAMPION: Okay. Because why?  
11 JUROR GOTTSCHALK: I don't know.  
12 MR. CHAMPION: Okay. Has the prosecution proved  
13 their case beyond a reasonable doubt?  
14 JUROR GOTTSCHALK: Not yet.  
15 MR. CHAMPION: Have they proved anything?  
16 JUROR GOTTSCHALK: No.  
17 MR. CHAMPION: So my client, simply because he's  
18 been charged, would you agree he's innocent at this point in  
19 time?  
20 JUROR GOTTSCHALK: Yes, he is.  
21 MR. CHAMPION: Would everyone agree with that?  
22 UNIDENTIFIED JUROR: Yep.  
23 MR. CHAMPION: And, until the prosecution proves  
24 each and every element beyond a reasonable doubt, your verdict  
25 would be what?

1 JUROR GOTTSCHALK: Not guilty.

2 MR. CHAMPION: Anyone disagree with that?

3 Anyone have any questions? Last chance.

4 Thank you.

5 THE COURT: Challenges for cause, Mr. Cusick?

6 MR. CUSICK: None for cause, your Honor.

7 THE COURT: Mr. Champion?

8 MR. CHAMPION: None for cause, your Honor.

9 THE COURT: Peremptory challenges, Mr. Cusick?

10 MR. CUSICK: May I have one moment, your Honor?

11 THE COURT: Yes.

12 MR. CUSICK: At this time, your Honor, we'd like to

13 thank and excuse juror number 16, Ms. Ball.

14 THE COURT: Ms. Ball, thank you very much. We

15 appreciate your time. You can place your badge in the basket

16 in the back of the courtroom. Have a good afternoon.

17 Any others at this time, Counsel?

18 Mr. Cusick?

19 MR. CUSICK: No, your Honor.

20 THE COURT: Okay. Mr. Champion—

21 MR. CHAMPION: Your Honor, at this—

22 THE COURT: —any peremptory challenges?

23 MR. CHAMPION: Thank you, your Honor.

24 At this time, defense would thank and excuse juror

25 number 13 in seat number ten and juror number two in seat

1           number one.

2                   THE COURT:    Okay.  I'm sorry.  Juror number two in?

3                   MR. CHAMPION:   In seat number one.

4                   THE COURT:    Oh—

5                   MR. CHAMPION:   Ms.—

6                   THE COURT:    —Ms. Sykes?

7                   MR. CHAMPION:   Ms. Sykes, that's correct.

8                   THE COURT:    Okay.  Sorry.

9                   All right.  So, Ms. Sykes, you are excused.

10                  And Ms. Gottschalk, is that who you are—I'm sorry.

11           I go by names—

12                  MR. CHAMPION:   Ms.—

13                  THE COURT:    —not numbers—

14                  MR. CHAMPION:   Okay.

15                  THE COURT:    —and I know we have two different

16   lists, so—

17                  MR. CHAMPION:   Ms. Koelbel, in seat number—

18                  THE COURT:    Okay.

19                  MR. CHAMPION:   —ten.

20                  THE COURT:    So Ms. Koelbel in seat number ten.

21                  You are both excused.

22                  I think we'll take a break before we select the

23   other jurors.

24                  Thank you, ma'am.

25                  JUROR KOELBEL:   You're welcome.

1           THE COURT:   And you can place that just right there  
2 on the table.   I appreciate it.

3           JUROR KOELBEL:   That was so helpful.

4           THE COURT:   It seems to be, so we appreciate that.

5           All right.   So, ladies and gentlemen, we'll take  
6 about a ten-minute-ten, 15-minute break.   We'll bring you back  
7 down here when we're ready.

8           Please remember all of my prior instructions.   Make  
9 sure you don't talk to anyone, including among yourselves,  
10 about the case.

11          Please make sure you don't look up anyone, anything,  
12 any term during the break if you have access to any electronic  
13 equipment.

14          Please don't come to the second floor at all, and  
15 we'll come get you when we're ready for you.

16          I'm going to ask Mr. Burkett-Burkett to just remain  
17 here a moment, but the rest of you can follow Ms. Wint out the  
18 back of the double doors.

19          All rise.

20          You can follow this way.

21          (At 3:10 p.m., jury panel exits courtroom)

22          JUROR SHAWN NEAL:   May I approach the bench?

23          THE COURT:   Just wait one second, sir.   We'll wait  
24 until the other jurors leave, also.

25          You may be seated.

1           For the record, the-most of the jurors have left the  
2 courtroom. We do have one that has a question.

3           So go ahead, sir, you can approach.

4           And then, Mr. Burkett, we'll-I have some additional  
5 questions for you.

6           Counsel, will you approach, please.

7           (At 3:12 p.m., bench conference as follows:

8           THE COURT: We need your-

9           JUROR SHAWN NEAL: I-

10          THE COURT: We need your name, first of all.

11          JUROR SHAWN NEAL: Oh, Shawn Neal.

12          THE COURT: Okay. Go ahead, sir.

13          JUROR SHAWN NEAL: I've been up 24 hours  
14 working-

15          THE COURT: Okay.

16          JUROR SHAWN NEAL: -and I just feel that I  
17 can't really help anybody out-

18          THE COURT: Pay attention and-

19          JUROR SHAWN NEAL: Yeah.

20          THE COURT: Okay. Where do you-

21          JUROR SHAWN NEAL: -or keep focused.

22          THE COURT: -work, sir?

23          JUROR SHAWN NEAL: Elkhart Plastics-

24          THE COURT: Okay.

25          JUROR SHAWN NEAL: -in Middlebury.

1 THE COURT: And you indicated that, too, and I  
2 know that you did address you might have some issues  
3 financially if you remained here.

4 JUROR SHAWN NEAL: I just can't focus,  
5 actually. I don't think-

6 THE COURT: So you're starting-

7 JUROR SHAWN NEAL: -it's fair to him.

8 THE COURT: -to fall asleep and not pay  
9 attention. Is that-

10 JUROR SHAWN NEAL: Yes, ma'am.

11 THE COURT: I'll go ahead and excuse you, sir.  
12 You can-

13 JUROR SHAWN NEAL: Thank you.

14 THE COURT: -place your badge in the basket on  
15 the-

16 JUROR SHAWN NEAL: Thank you so much.

17 THE COURT: -double doors.

18 Uhm-hmm. Thank you.

19 Any objections to that, Counsel?

20 MR. CUSICK: No, we have . . . (inaudible)

21 MR. CHAMPION: . . . (inaudible)

22 THE COURT: Okay. I'm going to just ask  
23 Mr. Burkett some additional questions a second. And  
24 he's the only one that's up there that we still  
25 haven't addressed, I guess, more detailed questions

1 with regards to finances.

2 And I will say he doesn't seem to be paying  
3 attention too well--

4 MR. CUSICK: Yeah . . . (unintelligible)

5 THE COURT: --from what I can tell.

6 MR. CHAMPION: . . . (inaudible)

7 THE COURT: Do you want to just excuse him or--

8 MR. CUSICK: That's fine.

9 MR. CHAMPION: Yeah.

10 THE COURT: You want to, both of you, do that?

11 MR. CHAMPION: Yeah.)

12 THE COURT: Mr. Burkett, we're going to go ahead  
13 and excuse you, sir. You can place your badge in the basket  
14 on the left side of the double doors. We appreciate your  
15 time.

16 All right. So all the jurors have left.

17 And, Counsel, we did just excuse two more jurors.  
18 One was Mr. Neal, and the other one was Mr. Burkett.

19 I know both of them addressed some issues  
20 with--financial issues before. And so Mr. Neal just indicated  
21 he'd been up 24 hours and couldn't concentrate. I excused  
22 him. My understanding is there's no objection to excusing  
23 him.

24 Is that correct, Counsel?

25 MR. CUSICK: That's correct, your Honor.



1 THE COURT: Mr. Champion?

2 MR. CHAMPION: That is correct, your Honor.

3 THE COURT: Okay. And then Mr. Burkett, honestly,  
4 when I was observing him, didn't appear to be really paying  
5 attention much, and I think Counsel—I think Mr. Cusick and  
6 Mr. Champion both agreed with that. So I think everyone was  
7 okay with excusing him, also.

8 Is that correct, Mr. Cusick—

9 MR. CUSICK: That's correct, your Honor.

10 THE COURT: —and Mr. Champion?

11 MR. CHAMPION: It is, your Honor.

12 THE COURT: All right. Anything else we need to  
13 address at this time, Counsel?

14 MR. CHAMPION: No, your Honor.

15 MR. CUSICK: No, your Honor.

16 THE COURT: Okay. Court's in recess.

17 About ten minutes, we're going back—

18 (At 3:15 p.m., court recessed)

19 (At 1:12 p.m., proceedings reconvened)

20 THE CLERK: The court recalls the case of People of  
21 the State of Michigan versus Samuel Steel, III, case number  
22 C11-1983 FC.

23 Parties, please restate appearances for the record.

24 MR. CUSICK: Good morning, your Honor.

25 Paul Cusick on behalf of the People.

1                   Good afternoon, your Honor.

2                   MR. CHAMPION:   Is that a southern time zone?

3                   May it please the Court, Robert Champion here in

4                   behalf of Samuel Steel.

5                   THE COURT:   All right.  Counsel, the jury's on

6                   their way down.  Anything we need to address before they come

7                   in?

8                   MR. CUSICK:   No, your Honor.

9                   MR. CHAMPION:   No, your Honor.

10                  We have four openings; is that correct?

11                  THE COURT:   Four seats.  Is that what you

12                  indicated?

13                  MR. CHAMPION:   That's what I show.

14                  (At 3:35 p.m., off record discussion between Court

15                  and clerk)

16                  THE COURT:   All right.  Counsel, just so that you

17                  are aware, the four individuals that we will be calling now to

18                  fill seats are:

19                  Melinda Deuel, in seat number 16;

20                  Patricia Taylor, in seat number one;

21                  Katherine Lagoni, in seat number ten; and

22                  Patricia Joseph, in seat number nine.

23                  MR. CHAMPION:   Can I have those . . . (inaudible)

24                  THE COURT:   No.  Yes, you may.

25                  Melinda Deuel, in seat number 16.  She indicated

1       that one of the witnesses was a step-uncle and she hasn't seen  
2       him in ten years.

3               All rise.

4               Duel,

5               Taylor-Patricia Taylor in one, and then Lagoni in  
6       ten, Joseph-Patricia Joseph.

7               (At 3:37 p.m., jury panel returns to courtroom)

8               You may be seated.

9               All right, ladies and gentlemen, we're going to  
10       select four more names for the seats that are empty in the  
11       order that the jurors were excused.

12              So go ahead.

13              THE CLERK:   Juror in seat number 16,  
14       Melinda Deuel-D-u-e-u-e-l.

15              Juror in seat number one, Patricia Taylor-T-a-y-l-o-  
16       r.

17              Juror in seat number ten, Katherine Lagoni-L-a-g-o-  
18       n-I.

19              And juror in seat number nine,  
20       Patricia Joseph-J-o-s-e-p-h.

21              THE COURT:   All right.  So, Ms. Deuel, you already  
22       indicated to us that you knew one of the witnesses you think  
23       might be step-uncle but you haven't seen the individual in  
24       many, many, many years.  I think you said over ten years.  
25       Yes?

1 JUROR DEUEL: Yes.

2 THE COURT: All right. So we covered that.

3 Ms. Joseph, I know that you also indicated some  
4 issues with regards to work and so forth. So I'll let the  
5 attorneys ask additional questions if--We'll see how that goes.

6 So--All right. So the four of you that just sat  
7 down, then--Ms. Joseph, Ms. Lagoni, Ms. Deuel, and  
8 Ms. Taylor--anything that you want to bring to our attention  
9 that you can recall right now right off the bat based on the  
10 questions previously raised or the issues previously raised?  
11 Any of you?

12 UNIDENTIFIED JUROR: No.

13 THE COURT: No.

14 Have any of you ever been on a jury before?

15 UNIDENTIFIED JUROR: No.

16 THE COURT: No.

17 And you all understand the burden of proof is on the  
18 prosecuting attorney in every criminal case? Yes?

19 UNIDENTIFIED JUROR: Yes.

20 THE COURT: Yes.

21 And you all understand the constitutional rights  
22 that we also--that we all have? Mr. Steel doesn't have to  
23 testify, and you understand that? Yes?

24 UNIDENTIFIED JUROR: Yes.

25 THE COURT: So, if he chooses not to, that's

1 certainly his right. That's a right that we all have. You  
2 can't read anything into that or consider that if you were on  
3 the jury and began your deliberations.

4 Do you understand that?

5 UNIDENTIFIED JUROR: Yes.

6 THE COURT: Yes.

7 Okay. And, also, every defendant--If any one of us  
8 were seated at that table, they don't have to prove anything,  
9 they don't have to produce any evidence.

10 And you all understand that concept? Yes?

11 UNIDENTIFIED JUROR: Yes.

12 THE COURT: Anyone have an issue with any of those  
13 concepts?

14 No. Okay. Appreciate that.

15 I'm going to turn it over to Mr. Champion this time  
16 to begin questioning.

17 MR. CHAMPION: Thank you, your Honor.

18 THE COURT: And everyone's going to talk really  
19 loud.

20 MR. CHAMPION: Really loud. And at the microphone,  
21 correct?

22 THE COURT: And at the microphone, yes--

23 MR. CHAMPION: Thank you.

24 THE COURT: --that's helpful.

25 MR. CHAMPION: Ms. Joseph, you've heard all the

1 questions?

2 JUROR JOSEPH: Yes.

3 MR. CHAMPION: You've heard our stories and our  
4 analogies?

5 JUROR JOSEPH: It's been a . . . (inaudible)

6 MR. CHAMPION: Pardon? A lot of cake, a lot of  
7 cookies, right?

8 Do you disagree with any of those philosophies?

9 JUROR JOSEPH: No.

10 MR. CHAMPION: You understand when we were talking  
11 about your job as the juror is to listen to the evidence and  
12 determine what the facts are, correct?

13 JUROR JOSEPH: Yes. I do have a question regarding  
14 . . . (inaudible) circumstantial evidence, though.

15 MR. CHAMPION: Ask away.

16 JUROR JOSEPH: The question was posed, which is  
17 more credible. I imagine it can depend on the individual  
18 circumstance. But am I wrong?

19 MR. CHAMPION: No, you're absolutely right. Part  
20 of my analogy about the cake and my children and getting the  
21 story out was to listen to all the evidence before you reach a  
22 conclusion.

23 Because wouldn't you agree that the direct evidence,  
24 when you have four individuals say the dog ate the cake, it's  
25 pretty strong evidence? Would you agree, initially? And you

1 could say, yeah, I could see the dog jumping up on the counter  
2 and taking a bite out of the cake, correct?

3 If that's all you heard, wouldn't you agree that you  
4 might believe the dog ate the cake?

5 JUROR JOSEPH: You'd have to say it's a  
6 possibility.

7 MR. CHAMPION: It was a possibility. But what was  
8 important a part of that story is the fact that you had to  
9 listen to the beginning, the end to really form a conclusion.  
10 And, even then, you might say you don't know beyond a  
11 reasonable doubt that the dog did or did not commit that act.

12 Do you agree with that?

13 JUROR JOSEPH: I'm trying to remember the whole  
14 story.

15 MR. CHAMPION: The story about—

16 JUROR JOSEPH: I would agree that you'd have to  
17 listen to the entire—the entirety of the evidence before you  
18 make a decision.

19 MR. CHAMPION: And that's important, wouldn't you  
20 agree?

21 JUROR JOSEPH: Yes.

22 MR. CHAMPION: Because, if you or someone else was  
23 accused of an incident, of a crime, you'd want the person to  
24 listen to all the evidence before making a determination.

25 Would you agree with that?

1 Ms. Taylor, would you agree with that, also?  
2 JUROR TAYLOR: Yes.  
3 MR. CHAMPION: Did you understand my convoluted  
4 story about the dog and the cake?  
5 JUROR TAYLOR: Yes.  
6 MR. CHAMPION: Did it make sense?  
7 JUROR TAYLOR: Yeah.  
8 MR. CHAMPION: Ms. Lagoni—  
9 Did I say your name correctly?  
10 JUROR LAGONI: Yes, you did.  
11 MR. CHAMPION: Oh, good.  
12 —do you understand that the prosecution must prove  
13 each and every element beyond a reasonable doubt?  
14 JUROR LAGONI: Yes.  
15 MR. CHAMPION: You understand that.  
16 You understand also beyond a reasonable doubt is the  
17 highest level in a criminal case or a civil case in our legal  
18 system that there is?  
19 JUROR LAGONI: Yes.  
20 MR. CHAMPION: Can you hold the prosecution to that  
21 crime [sic]—to that level?  
22 And when I was discussing the issue that your job is  
23 to determine what the facts are and if the facts prove the  
24 case and each and every element beyond a reasonable doubt is  
25 not the same as did this person do X, Y, or Z. Those are two



1 different issues.

2 Would you agree?

3 JUROR LAGONI: Yes.

4 THE COURT: Can you hold the prosecution to that  
5 level?

6 JUROR LAGONI: Yes.

7 MR. CHAMPION: Can everyone?

8 Ms. Deuel—

9 JUROR DEUEL: Yes.

10 MR. CHAMPION: —do you have any questions?

11 JUROR DEUEL: Not so far.

12 MR. CHAMPION: Does anyone here have a hardship? I  
13 know there was some discussion.

14 Ms. Taylor, you had some issues about having a  
15 hardship.

16 JUROR TAYLOR: No.

17 MR. CHAMPION: No, you didn't.

18 Ms. Joseph, what was your—

19 JUROR JOSEPH: May I approach then?

20 THE COURT: You're going to have to—  
21 Yeah, you want to approach?  
22 Counsel.

23 (At 3:47 p.m., bench conference as follows:

24 JUROR JOSEPH: My hardship is that I have  
25 several things coming together at exactly that time

1 at the end of August.

2 THE COURT: Okay.

3 JUROR JOSEPH: I need to be with my husband  
4 helping him in the festival.

5 I also need to be finalizing a grant report for  
6 a volunteer garden that has been just installed and  
7 we're finishing up the process of writing a grant  
8 report and completing that project.

9 And I also am one of-one of two employees for a  
10 man who sells artwork, and I help him create it. If  
11 I can't be there for an extended period of time, he  
12 cannot make his living by selling things because I'm  
13 not there to help produce the work.

14 It's a little like you're missing from a  
15 factory job that can get someone else to run the  
16 machine; but, if you are the machine, you're putting  
17 not just yourself in a hardship—which it would be a  
18 hardship—but you're also compromising your future  
19 possibility because you're creating a hardship for  
20 the actual employer itself.

21 THE COURT: . . . (inaudible)

22 Any other questions, Mr. Champion?

23 MR. CHAMPION: You seem very emotional about  
24 this.

25 JUROR JOSEPH: It's a lot. I was trying to

1 work out how I'm going to do a grant report and  
2 helping my husband all at the same time and this is  
3 another thing on top of that all in the same period-

4 THE COURT: Let me just-

5 JUROR JOSEPH: -of two weeks.

6 THE COURT: Let me just jump in 'cause I  
7 couldn't honestly tell if you were getting emotional  
8 or if you are just a little nervous or that was your  
9 just normal voice.

10 JUROR JOSEPH: Both.

11 THE COURT: Okay. do you think you could pay  
12 attention if you remained on this jury with  
13 everything you have going on?

14 JUROR JOSEPH: I don't think I could complete  
15 the other tasks involved in my life.

16 THE COURT: Okay. And you're very concerned  
17 about all of the responsibilities, it sounds like?

18 JUROR JOSEPH: Yes.

19 THE COURT: Okay.

20 JUROR JOSEPH: Because I'm one of the very few  
21 people who are committed to the-

22 THE COURT: Okay. Those projects.

23 JUROR JOSEPH: -volunteer projects, yes.

24 THE COURT: Okay. I'll go ahead and excuse  
25 you. You can place your badge in the basket on the-

1 JUROR JOSEPH: Thank you.

2 THE COURT: -left or right side. I don't know  
3 which side.

4 JUROR JOSEPH: I think it's on my left as I  
5 get out there.

6 THE COURT: It's usually on the right. That's  
7 why I keep-I don't know where it's at. They're  
8 moving it back there. So, anyway, there's a basket  
9 back there. So good luck, ma'am.

10 JUROR JOSEPH: Thank you.

11 THE COURT: Okay.

12 MR. CUSICK: No objection.

13 THE COURT: Any objections to that?

14 MR. CHAMPION: No.

15 THE COURT: All right.

16 MR. CUSICK: Thank you.

17 THE COURT: I'll let you proceed,  
18 Mr. Champion.

19 Are you almost done?

20 MR. CHAMPION: . . . (inaudible)

21 THE COURT: Actually, we'll replace it. That  
22 way you can follow up with your questions.)

23 THE COURT: All right. We'll replace the juror in  
24 seat number nine.

25 THE CLERK: Roshida Benjamin-B-e-n-j-a-m-i-n.

1 THE COURT: All right. Ms. Benjamin, before I turn  
2 it over to Mr. Champion, I know that you also expressed some  
3 concern. My understanding is you are--You've got a couple  
4 young kids from what you said before. Yes?

5 JUROR BENJAMIN: Yes.

6 THE COURT: Okay. And I believe you--I don't  
7 recall, ma'am, are you employed at this time?

8 JUROR BENJAMIN: Yes, I work full time.

9 THE COURT: And you're working--

10 JUROR BENJAMIN: . . . (inaudible) on my day off.

11 THE COURT: You're here on your day--

12 Where is it that you work again, ma'am?

13 JUROR BENJAMIN: . . . (inaudible)

14 THE COURT: I think you--You did indi--You may not  
15 have indicated the name, but I believe you indicated that.  
16 Will you approach a moment, ma'am?  
17 Counsel.

18 (At 3:50 p.m., bench conference as follows:

19 THE COURT: Okay. So all we know is the  
20 length of the trial's estimated to be two to three  
21 weeks. And I just need to know from you, honestly,  
22 is--is it going to be a financial hardship for you--an  
23 extreme one--

24 JUROR BENJAMIN: It will, yes.

25 THE COURT: --or can you--

1 JUROR BENJAMIN: The company just went under  
2 new management June 4<sup>th</sup>, and the employees there need  
3 to be there for the new owners 'cause they don't  
4 really know anything. And it's just hard right now,  
5 basically.

6 And my rent is five-eighty a month.

7 I am a single mother.

8 THE COURT: Do you have any other means of-or  
9 income coming in-

10 JUROR BENJAMIN: I don't. No-

11 THE COURT: -that can help you?

12 JUROR BENJAMIN: -child support or nothing.

13 THE COURT: Will you miss a rent payment  
14 possibly if you are here that length of time, or can  
15 you swing it even though it might be difficult?

16 JUROR BENJAMIN: It would probably be missed,  
17 yeah, 'cause I'm not at work. I'm the only one who  
18 takes care of my kids.

19 THE COURT: Okay. Any other questions?

20 MR. CHAMPION: No.

21 THE COURT: Do you have-

22 MR. CUSICK: No.

23 THE COURT: -any questions?

24 Just step back a second, if you would. Let me  
25 talk to the attorneys.

1                   Any position on that?

2                   MR. CUSICK:   Well, it's kind of the same

3                   issues that—

4                   THE COURT:   Hold on a second.)

5                   THE COURT:   I do have to let you know we can hear

6                   you talking.  So please just be patient with us when we go

7                   through this process.  You've been very patient, but just

8                   please bear with us here a second.

9                   (At 3:52 p.m., bench conference as follows:

10                  THE COURT:   Go ahead.

11                  MR. CUSICK:   Based on what, you know, the

12                  reasons we dismissed other people, I think she fits

13                  in that—

14                  THE COURT:   Category.

15                  MR. CUSICK:   —so—

16                  MR. CHAMPION:  Yeah, I agree.

17                  THE COURT:   I'm going to go ahead and excuse

18                  her.  I know it's a long trial, so—

19                  MR. CHAMPION:  Yeah.

20                  THE COURT:   We have plenty of jurors.

21                  MR. CHAMPION:  Yeah.

22                  THE COURT:   I mean, it's not like there's

23                  . . . (inaudible)

24                  MR. CHAMPION:  I don't think . . . (inaudible)

25                  THE COURT:   Okay.)

1 THE COURT: Ms. Benjamin, we're going to go ahead  
2 and excuse you, ma'am.

3 Also, thank you for your—

4 JUROR BENJAMIN: Thank you.

5 THE COURT: —time today.

6 We will replace the juror in seat number nine.

7 THE CLERK: Daniel Jasensky—J-a-s-e-n-s-k-y.

8 THE COURT: All right. Mr. Jasensky, anything you  
9 want to bring to our attention, sir, based on what was  
10 previously addressed?

11 JUROR JASENSKY: No.

12 THE COURT: Go ahead, Mr. Champion. I'll turn it  
13 over to you.

14 MR. CHAMPION: Thank you.

15 We've touched on it. Any other hardships for any of  
16 the new jurors?

17 Mr. Jasensky—

18 JUROR JASENSKY: Yep.

19 MR. CHAMPION: Is that correct?

20 JUROR JASENSKY: Correct.

21 MR. CHAMPION: —you've heard all the questions, all  
22 the stories. Any questions that you have?

23 JUROR JASENSKY: No, I don't.

24 MR. CHAMPION: Do you understand that the law says  
25 that the prosecution must prove each and every element beyond



1 a reasonable doubt?

2 JUROR JASENSKY: Yes, I do.

3 MR. CHAMPION: And, if they don't, what's the  
4 verdict?

5 JUROR JASENSKY: Not guilty.

6 MR. CHAMPION: Do you understand my client doesn't  
7 have to testify if he doesn't want to?

8 JUROR JASENSKY: Correct.

9 MR. CHAMPION: You can't hold that against him.

10 JUROR JASENSKY: Correct.

11 MR. CHAMPION: Agree with that?

12 JUROR JASENSKY: Yeah.

13 MR. CHAMPION: And, simply because he's charged  
14 with a crime, it doesn't mean anything. Do you agree with  
15 that?

16 JUROR JASENSKY: Yes.

17 MR. CHAMPION: And you need to listen to the  
18 whole—all the evidence before reaching any conclusions?

19 JUROR JASENSKY: Yes, I can.

20 MR. CHAMPION: Thank you.

21 I have no other questions.

22 THE COURT: Go ahead, Mr. Cusick.

23 MR. CUSICK: Mr. Jasensky, is it?

24 JUROR JASENSKY: Yeah.

25 MR. CUSICK: You heard my hypothetical situations,

1 correct?

2 JUROR JASENSKY: About the cookies, yes.

3 MR. CUSICK: About the cookies and-

4 THE COURT: I think you're going to have to speak  
5 up a little bit, sir.

6 MR. CUSICK: Okay.

7 JUROR JASENSKY: Me?

8 THE COURT: Yes, please.  
9 Go ahead.

10 MR. CUSICK: About the cookies, about the rain?

11 JUROR JASENSKY: Yes, I did.

12 MR. CUSICK: And do you understand that your job as  
13 a juror is to use your common sense and reason to determine  
14 what happened?

15 JUROR JASENSKY: Yes, I do.

16 MR. CUSICK: And you're able to do so in a fair and  
17 impartial way?

18 JUROR JASENSKY: Yes.

19 MR. CUSICK: Okay. Ms. Taylor, you heard my  
20 examples as well?

21 JUROR TAYLOR: Yes.

22 MR. CUSICK: Okay. And do you agree or understand  
23 the examples and what your role as a juror-

24 JUROR TAYLOR: Yes.

25 MR. CUSICK: -will be?

1                   Okay. And you'll be able to judge whether or not  
2                   somebody is credible based on all of the circumstances, all  
3                   the facts in the case—  
4                   JUROR TAYLOR:    Yes.  
5                   MR. CUSICK:    —not just looking at one witness's  
6                   testimony in a vacuum?  
7                   JUROR TAYLOR:    Yes.  
8                   MR. CUSICK:    Okay. Ms. Lagoni, do you agree with  
9                   that?  
10                  JUROR LAGONI:   Yes.  
11                  MR. CUSICK:    Okay. Now, Ms.—  
12                  Is it Ms. Deuel?  
13                  It says that you're in school right now and working,  
14                  correct?  
15                  JUROR DEUEL:   No, . . . (inaudible)  
16                  MR. CUSICK:    Okay. You were a  
17                  veteran—veterinarian's assistant?  
18                  JUROR DEUEL:   . . . (inaudible)  
19                  MR. CUSICK:    Okay. And what are you going to  
20                  school for? What's the subject?  
21                  JUROR DEUEL:   I'm getting an Associate's in law.  
22                  MR. CUSICK:    Okay. And so you're learning some  
23                  process probably—  
24                  JUROR DEUEL:   . . . (inaudible)  
25                  MR. CUSICK:   —as you—as you go to school?

1 JUROR DEUEL: . . . (inaudible)

2 MR. CUSICK: Can you say that—Whatever your  
3 experiences are through learning the law and whatever your  
4 professors say, can you—whatever they may say about any  
5 case—that you can put that aside and just turn—  
6 . . . (inaudible) a lot of different things in law school and  
7 undergraduate, are you able to put that aside and just listen  
8 to the evidence—

9 JUROR DEUEL: Yeah.

10 MR. CUSICK: —and use your own common sense and not  
11 necessarily use whatever a professor may say one way or the  
12 other?

13 JUROR DEUEL: Yeah. I only have one class left,  
14 and I'm not taking it this fall. So I believe so, yeah.

15 MR. CUSICK: And you heard my examples of rain, the  
16 cookie crumbs, and the fact that what I say and what  
17 Mr. Champion says are not evidence, it's what comes from the  
18 witness stand.

19 You understand that, and do you agree with that?

20 JUROR DEUEL: Yes, I do.

21 MR. CUSICK: Are there any problems that you have  
22 with any of the examples that I came up with?

23 JUROR DEUEL: No.

24 MR. CUSICK: I have nothing further.

25 Thank you, your Honor.

1 THE COURT: Challenges for cause, Mr. Champion?  
2 MR. CHAMPION: None for cause, your Honor.  
3 THE COURT: For cause, Mr. Cusick?  
4 MR. CUSICK: None for cause, your Honor.  
5 THE COURT: Peremptory challenges are with you,  
6 Mr. Champion.  
7 MR. CHAMPION: Your Honor, I would thank and excuse  
8 juror in seat number five—  
9 THE COURT: Mr. Turner?  
10 MR. CHAMPION: —Mr. Turner.  
11 THE COURT: Thank you, sir. We appreciate your  
12 time.  
13 Any others at this time, Mr. Champion?  
14 MR. CHAMPION: Not at this time.  
15 THE COURT: Any peremptory challenges at this time,  
16 Mr. Cusick?  
17 MR. CUSICK: Yes, your Honor. I'd like to thank  
18 and excuse juror number 16, Ms. Deuel.  
19 THE COURT: Thank you, ma'am. We appreciate your  
20 time.  
21 Trials are open to the public. You're certainly  
22 welcome to stay and watch.  
23 JUROR DEUEL: Thanks.  
24 THE COURT: Any others at this time, Mr. Cusick?  
25 MR. CUSICK: Not at this time, your Honor.

1 THE COURT: All right. We'll select two more  
2 names.

3 THE CLERK: Juror in seat number five,  
4 Matthew Yonkman-Y-o-n-k-m-a-n.

5 Juror in seat number 16, Lynette Protz-P-r-o-t-z.

6 THE COURT: All right. Ms. Protz and Mr. Yonkman,  
7 anything you want to bring to our attention based on what was  
8 previously addressed?

9 No. All right. Appreciate that.

10 I'll turn it over to Mr. Cusick.

11 MR. CUSICK: Thank you, your Honor.

12 Mr. Yonkman, you heard my examples in dealing with  
13 rain and cookies and all that stuff.

14 JUROR YONKMAN: Yeah.

15 MR. CUSICK: Do you have any issues with or any  
16 questions regarding my hypothetical?

17 JUROR YONKMAN: No.

18 MR. CUSICK: Okay. And you're willing to use your  
19 common sense and reason to determine who's telling the truth  
20 and to evaluate the evidence in this case?

21 JUROR YONKMAN: Yes, sir.

22 MR. CUSICK: Okay. And you're an accountant?

23 JUROR YONKMAN: Correct.

24 MR. CUSICK: So things have to be pretty much  
25 exact—

1 JUROR YONKMAN: Yes.

2 MR. CUSICK: -a hundred-perfection as an  
3 accountant, right?

4 JUROR YONKMAN: Correct.

5 MR. CUSICK: Maybe not so much in chemistry but, in  
6 accountancy, it has to be exact, right?

7 JUROR YONKMAN: Yeah.

8 MR. CUSICK: Okay. So you're able-Do you agree  
9 that the law, in analyzing facts at trial, is not really the  
10 same as analyzing numbers-

11 JUROR YONKMAN: Yes.

12 MR. CUSICK: -and that just addition and all the  
13 things that go-analysis through finances is much more  
14 concrete-maybe more difficult to understand but more concrete  
15 than determining whether or not somebody's-evaluating evidence  
16 at trial? Do you agree with that?

17 JUROR YONKMAN: . . . (inaudible)

18 MR. CUSICK: Okay. And that won't affect you in  
19 any way? Okay.

20 And, Ms. Protz-

21 JUROR PROTZ: Yeah.

22 MR. CUSICK: -it says you're self-employed. Can  
23 you tell me what you do.

24 JUROR PROTZ: Right now I'm responsible for my  
25 grandson . . . (inaudible)

1 MR. CUSICK: Okay.

2 JUROR PROTZ: - . . . (inaudible)

3 MR. CUSICK: Okay.

4 JUROR PROTZ: . . . (inaudible)

5 THE COURT: You might just speak up a little bit,  
6 ma'am.

7 JUROR PROTZ: Okay.

8 MR. CUSICK: Now will that create a hardship for  
9 you? Are you able to come to court, and are you able to sit  
10 and listen to the evidence every day for two to three weeks?

11 JUROR PROTZ: It's not a hardship for me. It may  
12 be for my-my daughter . . . (inaudible)

13 MR. CUSICK: I'm sorry?

14 JUROR PROTZ: They made arrangements for him today-

15 MR. CUSICK: Okay.

16 JUROR PROTZ: -and . . . (inaudible)

17 MR. CUSICK: It's enough time in advance?

18 JUROR PROTZ: Yes.

19 MR. CUSICK: Okay. And you're able to be a fair  
20 and impartial juror in this case?

21 JUROR PROTZ: Yes.

22 MR. CUSICK: Have you ever sat on a jury before?

23 JUROR PROTZ: No.

24 MR. CUSICK: Okay. Mr. Yonkman, have you-

25 JUROR YONKMAN: No, I haven't.



1 MR. CUSICK: -sat-  
2 And if I can just ask that-  
3 THE COURT: You may.  
4 MR. CUSICK: -question to Ms. Taylor and Ms. Lagoni  
5 and Mr. Jasensky. Have you served-  
6 JUROR JASENSKY: No, I have not.  
7 MR. CUSICK: -on a jury?  
8 JURORS TAYLOR and LAGONI: No.  
9 MR. CUSICK: Okay. Thank you.  
10 Nothing further.  
11 THE COURT: Mr. Champion?  
12 MR. CHAMPION: Thank you.  
13 Mr. Yonkman, any questions for us?  
14 JUROR YONKMAN: No, it all makes sense.  
15 MR. CHAMPION: You understand that you have to hold  
16 the prosecution to the highest standard in the criminal  
17 justice system? You understand that?  
18 JUROR YONKMAN: Yeah.  
19 MR. CHAMPION: You can do that?  
20 JUROR YONKMAN: Yeah.  
21 MR. CHAMPION: Ms. Protz, same question for you.  
22 Can you hold the prosecution to the standard that the Court  
23 sets . . . (inaudible)  
24 JUROR PROTZ: Yes.  
25 MR. CHAMPION: Now you said there was some issues,

1 childcare right now for your daughter?

2 JUROR PROTZ: Correct.

3 MR. CHAMPION: The trial's not for three weeks.

4 Will you be able to arrange that so that won't be an issue

5 . . . (inaudible)

6 Can you listen to all the evidence and be fair and

7 impartial?

8 Thank you.

9 No other questions.

10 THE COURT: Challenges for cause, Mr. Cusick?

11 MR. CUSICK: None for cause, your Honor.

12 THE COURT: Mr. Champion?

13 MR. CHAMPION: None, your Honor.

14 THE COURT: Peremptory challenges are with you,

15 Mr. Cusick.

16 MR. CUSICK: Your Honor, I'd like to thank and

17 excuse Mr. Comiskey, as well as Ms. Gottschalk.

18 THE COURT: Okay. Jurors in seat number 14 and 13,

19 thank you both for your time. We appreciate it. You're both

20 excused.

21 Any others at this time, Mr. Cusick?

22 MR. CUSICK: No, your Honor.

23 THE COURT: Mr. Champion, any peremptory challenges

24 at this time, sir?

25 MR. CHAMPION: Yes, your Honor, I would thank and

1       excuse juror in seat number seven, Ms. Carlisle.

2               THE COURT:    Thank you, ma'am.  We appreciate your

3       time today.

4               Any others at this time, Mr. Champion?

5               MR. CHAMPION:   No, your Honor.

6               THE COURT:    All right.  We'll select three more

7       names.

8               THE CLERK:    Juror in seat number 14,

9       John Sweet-S-w-e-e-t.

10              Juror in seat number 13,

11       Jody Bohnsack-B-o-h-n-s-a-c-k.

12              And juror in seat number seven,

13       Mark Davis-D-a-v-i-s.

14              THE COURT:    All right.  Those jurors that just sat

15       down, do any of you have anything you want to bring to our

16       attention based on the concepts, the issues, the questions

17       previously addressed?

18              UNIDENTIFIED JUROR:    No.

19              THE COURT:    No.  All right.

20              Mr. Champion, I believe it's your turn.

21              MR. CHAMPION:   Thank you, your Honor.

22              THE COURT:    I almost lost track already.

23              MR. CHAMPION:   Pardon?

24              THE COURT:    I said I almost lost track already.

25              MR. CHAMPION:   Mr. Davis-

1 JUROR DAVIS: Yeah.

2 MR. CHAMPION: -do you think people sometime  
3 embellishes stories to make themselves look better?

4 JUROR DAVIS: Yeah.

5 THE COURT: Do you think you'll be able to judge  
6 the credibility of someone when they're testifying to see if  
7 they're embellishing a story or lying?

8 JUROR DAVIS: Yeah.

9 THE COURT: Would that be a possibility?

10 JUROR DAVIS: Yeah.

11 MR. CHAMPION: Mr. Sweet, you've heard all the  
12 questions. Do you have any questions for us?

13 JUROR SWEET: No, sir.

14 MR. CHAMPION: Ever been on a jury?

15 JUROR SWEET: No.

16 MR. CHAMPION: Anyone here been on a jury?  
17 You've heard the-what the standard of proof is,  
18 proof beyond a reasonable doubt. Can you hold the prosecution  
19 to that?

20 JUROR SWEET: Yes.

21 MR. CHAMPION: Did it make sense to you that-when  
22 we talked about that the prosecution must prove each and every  
23 element beyond a reasonable doubt before you can find a person  
24 guilty-

25 JUROR SWEET: Yes.

1 MR. CHAMPION: -and that right now they're not  
2 guilty-

3 JUROR SWEET: Yes.

4 MR. CHAMPION: -and that, even if you thought a  
5 person committed a crime, unless each and every element was  
6 proven, you have to find the person not guilty?

7 JUROR SWEET: Yes.

8 MR. CHAMPION: I know that sounds hard. Would you  
9 agree with that?

10 JUROR SWEET: It may be hard, but you have to do-

11 MR. CHAMPION: You have to do it.

12 JUROR SWEET: - . . . (inaudible)

13 MR. CHAMPION: Do you agree with that,  
14 Ms. Bohnsack?

15 JUROR BOHNSACK: Yes.

16 MR. CHAMPION: Did I say your name right?

17 JUROR BOHNSACK: Yes.

18 MR. CHAMPION: Oh, good.  
19 It sounds like a strange concept, wouldn't you  
20 agree?

21 JUROR BOHNSACK: . . . (inaudible) strange.

22 MR. CHAMPION: We watch things on TV. As you're  
23 seeing, TV court and real court is two different things-

24 JUROR BOHNSACK: Yes.

25 MR. CHAMPION: -right?

1                   And this—A jury is not one of popular decision but  
2 looking at each and every element.

3                   JUROR BOHNSACK:    Yes.

4                   MR. CHAMPION:    And you can do that without any  
5 reservations?

6                   JUROR BOHNSACK:    Yes.

7                   MR. CHAMPION:    Any hardship for any of the three of  
8 you to be here today—

9                   JUROR SWEET:    No.

10                  JUROR BOHNSACK:   No.

11                  MR. CHAMPION:    —or when we come back in three  
12 weeks, I should say?

13                  JUROR SWEET:    No.

14                  JUROR BOHNSACK:   No.

15                  MR. CHAMPION:    Okay.   Thank you.

16                  THE COURT:    Mr. Cusick?

17                  MR. CUSICK:    Thank you, your Honor.

18                  Mr. Davis—

19                  JUROR DAVIS:    Yeah.

20                  MR. CUSICK:    —just kind of going off what  
21 Mr. Champion indicated, there are motives that people might  
22 have to lie, correct?

23                  JUROR DAVIS:    Oh, yeah.

24                  MR. CUSICK:    And you also—Would you agree that  
25 there's motives and reasons for people to tell the truth at

1 times?

2 JUROR DAVIS: Yeah.

3 MR. CUSICK: And you're able to evaluate some of

4 those reasons why somebody might lie or someone might come

5 forward and tell the truth?

6 JUROR DAVIS: Yeah.

7 MR. CUSICK: And you can do that through your own

8 life experience and through the evidence—through your own

9 common sense and through the evidence that comes forward?

10 JUROR DAVIS: Yes.

11 MR. CUSICK: Ms. Bohnsack, do you—

12 Is it Bohnsack?

13 JUROR BOHNSACK: Bohnsack.

14 MR. CUSICK: Bohnsack.

15 —do you agree with what I just said?

16 JUROR BOHNSACK: Yes.

17 MR. CUSICK: Okay. And you heard all my

18 hypothetical. Is there any issues that any of the three of

19 you have with any of them?

20 JUROR BOHNSACK: No.

21 UNIDENTIFIED JUROR: No.

22 MR. CUSICK: Okay. Do you also agree, Mr. Sweet,

23 that people have an incentive at times to tell the truth—

24 JUROR SWEET: Yes, sir.

25 MR. CUSICK: Okay.—and come forward if they have

1 information?

2 JUROR SWEET: Yes, sir.

3 MR. CUSICK: I have nothing further.

4 Thank you, your Honor.

5 THE COURT: Challenges for cause, Mr. Champion?

6 MR. CHAMPION: None, your Honor.

7 THE COURT: Mr. Cusick?

8 MR. CUSICK: None for cause, your Honor.

9 THE COURT: Peremptory challenges, Mr. Champion?

10 MR. CHAMPION: May I have just a moment,

11 your Honor?

12 THE COURT: Yes, you may.

13 MR. CHAMPION: Your Honor, I would thank and excuse

14 juror in seat number three, Mr. Jackson.

15 THE COURT: Mr. Jackson, thank you. You are

16 excused, sir. We appreciate your time today.

17 Any others at this time, Mr. Champion?

18 MR. CHAMPION: Not at this time, your Honor.

19 THE COURT: Mr. Cusick, any peremptory challenges,

20 sir?

21 MR. CUSICK: Yes, your Honor. At this time I'd

22 like to thank and excuse juror seated in seat number seven.

23 THE COURT: Mr. Davis, we appreciate your time

24 today, sir.

25 Any others at this time, Counsel?



1 MR. CUSICK: No, your Honor.

2 THE COURT: All right. We'll select two more

3 names.

4 THE CLERK: Juror in seat number three,

5 Mary Zoeller-Z-o-e-l-l-e-r.

6 Juror in seat number seven,

7 Gregory Vanheukelom-V-a-n-h-e-u-k-e-l-o-m.

8 THE COURT: All right. Those two that just sat

9 down, anything you want to bring to our attention at this

10 time?

11 JUROR ZOELLER: No.

12 JUROR VANHEUKELOM: No.

13 THE COURT: No.

14 All right. I will turn it over to Mr. Cusick.

15 MR. CUSICK: Thank you, your Honor.

16 And, your Honor, if I could just address the same

17 question I asked before regarding if anybody has been a victim

18 of a crime, knows somebody that's been a victim of a crime.

19 THE COURT: You may.

20 MR. CUSICK: Does anybody who I've—who has been

21 recently asked to come on the jury to sit in this box, has

22 anybody been a victim of a crime or know anybody close to them

23 that's been a victim of a crime?

24 Ms. Bohnsack?

25 JUROR BOHNSACK: Many years ago my son's babysitter

1 was killed by a drunk driver.

2 MR. CUSICK: Will that affect your ability to be a

3 fair and impartial juror?

4 JUROR BOHNSACK: . . . (inaudible)

5 MR. CUSICK: Mr. Sweet?

6 JUROR SWEET: About ten, 12 years ago, I was robbed

7 driving cab, but that was long time ago.

8 THE COURT: I can't-

9 MR. CUSICK: And where-

10 THE COURT: -hear you, sir. I'm sorry.

11 JUROR SWEET: About ten, 12 years ago, I was robbed

12 driving cab, but it never went to court or anything, so-

13 MR. CUSICK: And Mr. Zoel-Mr. Vanheukelom?

14 JUROR VANHEUKELOM: Heukelom.

15 MR. CUSICK: Vanheukelom.

16 JUROR VANHEUKELOM: Yes.

17 In my profession, I deal with a lot of people; and

18 so there's been minor ones. And, eight years ago, I was

19 involved with one with decapitation here in Kalamazoo.

20 MR. CUSICK: Okay. Will that affect you-

21 JUROR VANHEUKELOM: No.

22 MR. CUSICK: -in any way? Okay.

23 And then same question regarding has anybody either

24 been criminal defendant or-

25 UNIDENTIFIED JUROR: No.

1 MR. CUSICK: Yes, sir?

2 JUROR SWEET: My son had a domestic violence charge  
3 for taking a shot at me seven years ago, if that counts.

4 MR. CUSICK: Does that affect you in any way as far  
5 as being able to be a fair and impartial juror?

6 JUROR SWEET: No.

7 MR. CUSICK: Okay. Mr. Vanheukelom, you're a  
8 pastor, correct?

9 JUROR VANHEUKELOM: Correct.

10 MR. CUSICK: Okay. And is that at a local church?

11 JUROR VANHEUKELOM: Correct. Texas Corners.

12 MR. CUSICK: And can you differentiate—

13 You have a lot of responsibilities being a pastor.  
14 I'm not asking you to judge anybody in this case, and I'm just  
15 asking you to look at the facts and evaluate the evidence and  
16 determine who you believe and what witnesses you believe are  
17 telling the truth.

18 Do you have a problem with that? Does your  
19 profession in any way stop you from looking at—certainly  
20 helping people and oftentimes not judging people—but looking  
21 at the facts in the situation, are you able to differentiate  
22 between the two?

23 JUROR VANHEUKELOM: Yes, I am.

24 MR. CUSICK: Okay. And Ms.—Is it Ms. Zoeller?

25 JUROR ZOELLER: Yeah.

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MR. CUSICK: Sorry.

JUROR ZOELLER: It's okay.

MR. CUSICK: It's a lot of people. I get them  
confused.

Ms. Zoeller, you heard all of my hypothetical?

JUROR ZOELLER: Yes.

MR. CUSICK: Do you have any problem being a fair  
and impartial juror?

JUROR ZOELLER: No.

MR. CUSICK: And I don't--Is there any hardship that  
will stop you from being a juror for two to three weeks?

JUROR ZOELLER: No.

MR. CUSICK: I have nothing further.

Thank you, your Honor.

THE COURT: Mr. Champion?

MR. CHAMPION: Thank you, your Honor.

I want to make sure, neither one of you know any of  
the witnesses or the lawyers or the judges or anything; is  
that correct?

And neither one have an issue about listening to all  
the--all the evidence before reaching a conclusion and then  
applying the evidence to each and every element to see if the  
prosecution has proved each and every element beyond a  
reasonable doubt?

Ms. Zoeller, if you were in my client's position,

1 would you want yourself as a juror? Good question, huh?

2 JUROR ZOELLER: I don't-

3 THE COURT: Did you say I don't know?

4 JUROR ZOELLER: Yeah, I mean-

5 THE COURT: Okay.

6 JUROR ZOELLER: -I-You never know what someone

7 thinks or what they're going to do, so it'd be-I mean, I don't

8 have the logistics-

9 THE COURT: They can't hear you. You've got to

10 speak up.

11 I think you said you never know what someone thinks

12 or what they're going to do-

13 JUROR ZOELLER: Right.

14 THE COURT: -is that what you indicated?

15 JUROR ZOELLER: I don't claim to be a personal

16 expert on picking someone, so I really wouldn't know.

17 MR. CHAMPION: But you could be fair and impartial?

18 JUROR ZOELLER: Yes.

19 MR. CHAMPION: Would you want that type of person

20 to sit on a jury for you?

21 JUROR ZOELLER: Yes.

22 MR. CHAMPION: Same for you?

23 JUROR VANHEUKELOM: The same, correct.

24 MR. CHAMPION: Thank you.

25 THE COURT: Challenges for cause?

1 MR. CUSICK: None for cause, your Honor.  
2 THE COURT: Mr. Champion?  
3 MR. CHAMPION: None for cause, your Honor.  
4 THE COURT: Peremptory challenges, Mr. Cusick?  
5 MR. CUSICK: I'd like to thank and excuse the  
6 individual seated in seat number two.  
7 THE COURT: Mr. Herder, thank you for your time,  
8 sir. You are excused.  
9 Any others at this time, Counsel?  
10 MR. CUSICK: No, your Honor.  
11 THE COURT: Mr. Champion?  
12 MR. CHAMPION: I have none at this time,  
13 your Honor.  
14 THE COURT: All right. We'll select another name  
15 for seat number two.  
16 THE CLERK: Sharla Heywood-H-e-y-w-o-o-d.  
17 THE COURT: Mr. Heywood, I know we spoke with you  
18 about a vacation you have later on in September. I have that.  
19 Anything else you want to bring to our attention,  
20 ma'am, based on the concepts, the questions previously raised?  
21 JUROR HEYWOOD: . . . (inaudible)  
22 THE COURT: I think you're going to have to speak  
23 up. You indicate—  
24 JUROR HEYWOOD: . . . (inaudible) surgery on my  
25 hand.

1 THE COURT: Okay. And that's on the 22<sup>nd</sup> of August?  
2 JUROR HEYWOOD: . . . (inaudible)  
3 THE COURT: Okay. And I'm not going to have you  
4 report back until the 26<sup>th</sup>, so you should be fine.  
5 All right. Mr. Champion, I'll turn it over to you,  
6 sir.  
7 MR. CHAMPION: So you'll be back in time for the  
8 wonderful trial, correct?  
9 JUROR HEYWOOD: Correct.  
10 MR. CHAMPION: With two or three weeks, that won't  
11 pose an issue . . . (inaudible)  
12 JUROR HEYWOOD: . . . (inaudible)  
13 MR. CHAMPION: Pardon?  
14 JUROR HEYWOOD: No.  
15 MR. CHAMPION: And then, when we come back the end  
16 of August, you're not going to have a conflict?  
17 JUROR HEYWOOD: Well, not until September when I  
18 have . . . (inaudible)  
19 THE COURT: I don't think they can hear either one  
20 of you. I'm sorry.  
21 JUROR HEYWOOD: . . . (inaudible) vacation that I  
22 told her about that I have September.  
23 MR. CHAMPION: When in—  
24 THE COURT: She indicated she was on vacation  
25 September 16 through the 20<sup>th</sup>.

1 MR. CHAMPION: You've heard all the concepts?  
2 JUROR HEYWOOD: Uhm-hmm.  
3 MR. CHAMPION: The question about have you ever  
4 been a juror, have you ever been a juror before?  
5 JUROR HEYWOOD: No. No.  
6 MR. CHAMPION: Victim of a crime?  
7 JUROR HEYWOOD: No.  
8 MR. CHAMPION: Never accused of crime?  
9 JUROR HEYWOOD: No.  
10 MR. CHAMPION: The question I asked of Ms. Zoeller  
11 was, if you were accused of a crime, would you want somebody  
12 like yourself to be a juror?  
13 JUROR HEYWOOD: Sure.  
14 MR. CHAMPION: You'll be fair and impartial?  
15 JUROR HEYWOOD: Yes.  
16 MR. CHAMPION: Listen to all the evidence?  
17 JUROR HEYWOOD: Yes.  
18 MR. CHAMPION: Hold the prosecution to their  
19 standard to prove each and every element beyond a reasonable  
20 doubt?  
21 JUROR HEYWOOD: Yes.  
22 MR. CHAMPION: Thank you.  
23 THE COURT: Mr. Cusick?  
24 MR. CHAMPION: I have no other questions.  
25 MR. CUSICK: Ms. Heywood, you listened to all of my



1           hypothetical?

2                   JUROR HEYWOOD:    Pardon?

3                   MR. CUSICK:    You listened to all of my  
4           hypotheticals that—

5                   JUROR HEYWOOD:    Yes.

6                   MR. CUSICK:    —I went over?

7                   And you understand that?

8                   JUROR HEYWOOD:    Uhm-hmm.

9                   MR. CUSICK:    And you're able to look at the  
10          credibility of the witnesses and determine whether or not  
11          they're telling the truth based on the entirety of the  
12          circumstances?

13                   JUROR HEYWOOD:    . . . (inaudible)

14                   THE COURT:    I didn't hear that. I'm sorry.

15                   JUROR HEYWOOD:    I'm not quite sure on that one.

16                   THE COURT:    Okay.

17                   MR. CUSICK:    Are you able to evaluate the evidence,  
18          the testimony that comes from that witness stand through  
19          witnesses; and are you able to analyze whether or not people  
20          are telling the truth based on what they say and any other  
21          evidence that comes in that may or may not corroborate what  
22          they say? Are you able to look at—to determine whether or not  
23          they're telling the truth?

24                   JUROR HEYWOOD:    No.

25                   MR. CUSICK:    You're not? Okay.

1           So, it's fair--Are you going--Are you able--Is it fair  
2 to say that--

3           THE COURT:    Let me just jump in a second.

4           If you sat on this jury--all of you--you would be  
5 responsible for judging the credibility of the witnesses.  
6 That's solely in your hands.

7           And there's a jury instruction that talks about a  
8 number of factors--It's not--a limited number--but, you know, how  
9 someone look and acts, maybe, on the witness stand;

10          Look at all the other evidence that comes in;

11          Whether there's other influences that may affect  
12 someone's testimony--Maybe they have a reason to tell the truth  
13 or a reason to lie.--that might come out in their testimony.

14          But, certainly, we all bring our experiences and--our  
15 personal experiences and background, and that's your  
16 responsibility.

17          Can you do that, ma'am?

18          JUROR HEYWOOD:   Yes.

19          THE COURT:    Okay.   Okay.   I appreciate that, so--  
20 Go ahead, Counsel.

21          MR. CUSICK:    I have nothing further.

22          Thank you, your Honor.

23          I have one more question, actually.   Could I ask  
24 Mr. Sweet a question?

25          THE COURT:    Yes.

1 MR. CUSICK: Mr. Sweet, do you have a—What's your  
2 background in, if—Are you working at the moment or—

3 JUROR SWEET: I'm a taxi driver.

4 MR. CUSICK: Taxi driver. Okay. Is that in the  
5 city of Kalamazoo?

6 JUROR SWEET: Yes, sir.

7 MR. CUSICK: Okay. Thank you.

8 THE COURT: Mr. Champion?

9 MR. CHAMPION: I have no challenges, your Honor, at  
10 this time.

11 THE COURT: Okay. Any challenges for cause,  
12 Counsel?

13 MR. CUSICK: None for cause, your Honor.

14 THE COURT: All right. And—I'm sorry.—any  
15 peremptory challenges then?

16 MR. CHAMPION: No.

17 THE COURT: Any peremptory challenges, Counsel?

18 MR. CUSICK: Your Honor, I'd like to thank and  
19 excuse the individual seated in seat number two and seat  
20 number one.

21 THE COURT: All right. So Ms. Taylor and  
22 Ms. Heywood, you are both excused. We appreciate your time  
23 today.

24 We will select two more names for seat number two  
25 and seat number one.

1 THE CLERK: Seat number two,  
2 Robert Nelson-N-e-l-s-o-n.  
3 Juror in seat number one, Sandra Hill-H-i-l-l.  
4 THE COURT: All right. Anything that either of you  
5 want to bring to our attention based on what was previously  
6 addressed?  
7 JUROR ROBERT NELSON: No.  
8 JUROR HILL: No.  
9 THE COURT: No.  
10 All right. Mr. Cusick, I'll turn it over to you.  
11 MR. CUSICK: Ms. Hill, you heard all of my  
12 hypotheticals?  
13 JUROR HILL: Yes.  
14 MR. CUSICK: And do you have any questions  
15 regarding them? Did you understand them?  
16 JUROR HILL: Yes.  
17 MR. CUSICK: Okay. Have you ever served on a jury?  
18 JUROR HILL: No.  
19 MR. CUSICK: And the same questions to you,  
20 Mr. Nelson.  
21 JUROR ROBERT NELSON: No, I have never served on a  
22 jury before, no.  
23 MR. CUSICK: You understand the hypothetical  
24 situations—  
25 JUROR ROBERT NELSON: Yes.

1 MR. CUSICK: -I came up with?  
2 You're able to evaluate the evidence, Mr. Nelson?  
3 JUROR ROBERT NELSON: Yes.  
4 MR. CUSICK: Ms. Hill?  
5 JUROR HILL: Yes.  
6 MR. CUSICK: Okay. Ms. Hill, you were a teacher?  
7 JUROR HILL: Yes.  
8 MR. CUSICK: Okay. And was that here in Kalamazoo?  
9 JUROR HILL: Comstock.  
10 MR. CUSICK: And are you-You're retired now,  
11 correct?  
12 JUROR HILL: Yes.  
13 MR. CUSICK: And you're able to use your  
14 experience-You probably had a lot of opportunities in your  
15 career to be able to determine who was telling the truth-  
16 JUROR HILL: Oh, yes.  
17 MR. CUSICK: -and who was lying, right?  
18 JUROR HILL: I'm good at it.  
19 MR. CUSICK: Okay. And you'll be able to take that  
20 into account here?  
21 JUROR HILL: Yes.  
22 MR. CUSICK: Okay. Thank you, your Honor.  
23 THE COURT: Mr. Champion?  
24 MR. CHAMPION: Thank you, your Honor.  
25 What grade level or subject did you-

1 JUROR HILL: Seventh and eighth grade language  
2 arts.  
3 MR. CHAMPION: Oh, I bet you were good. At-  
4 JUROR HILL: I try.  
5 MR. CHAMPION: At that age level, they have a  
6 tendency to tell all kinds of stories; would you agree?  
7 JUROR HILL: Yes, they do.  
8 MR. CHAMPION: Embellish stories, make up lies for  
9 various reasons, correct?  
10 JUROR HILL: Absolutely.  
11 MR. CHAMPION: And you can apply that life  
12 experience to the courtroom; would you-  
13 JUROR HILL: Yes.  
14 MR. CHAMPION: -agree?  
15 Think you'd be fair and impartial?  
16 JUROR HILL: Definitely.  
17 MR. CHAMPION: Mr. Nelson, I see you're a foreman.  
18 JUROR ROBERT NELSON: Yes.  
19 MR. CHAMPION: So you probably do the same thing to  
20 some degree; would you agree?  
21 JUROR ROBERT NELSON: Yes.  
22 MR. CHAMPION: Just a little bit older version of  
23 the seventh and eighth graders?  
24 JUROR ROBERT NELSON: Correct.  
25 MR. CHAMPION: Think you can be fair and impartial?

1 JUROR ROBERT NELSON: Yes.

2 MR. CHAMPION: Ever been a victim of crime?

3 JUROR ROBERT NELSON: No.

4 MR. CHAMPION: Accused of a crime?

5 JUROR ROBERT NELSON: No.

6 MR. CHAMPION: Never been on a jury or anything of  
7 that nature?

8 JUROR ROBERT NELSON: No.

9 MR. CHAMPION: Any questions for me?

10 JUROR ROBERT NELSON: No.

11 MR. CHAMPION: Ms. Hill, any questions?

12 JUROR HILL: None.

13 MR. CHAMPION: Thank you.

14 THE COURT: Challenges for cause, Mr. Cusick?

15 MR. CUSICK: None at this time, your Honor.

16 MR. CHAMPION: None, your Honor.

17 THE COURT: Any peremptory challenges, Mr. Cusick?

18 MR. CUSICK: I'd like to thank and excuse the  
19 individual sitting in seat number 14, Mr. Sweet.

20 THE COURT: Mr. Sweet, thank you very much for your  
21 time, sir.

22 Any others?

23 MR. CUSICK: Not at this time, your Honor.

24 THE COURT: Mr. Champion, any peremptory challenges  
25 at this time?

1 MR. CHAMPION: None, your Honor.

2 THE COURT: We'll select another name for seat  
3 number 14.

4 THE CLERK: Stephanie Nelson-N-e-l-s-o-n.

5 THE COURT: Ms. Nelson, are you related to  
6 Robert Nelson, who is sitting in front of you?

7 No. All right. Have to ask. Sometimes that  
8 happens.

9 Anything you want to bring to our attention based on  
10 what was previously addressed?

11 JUROR STEPHANIE NELSON: No.

12 THE COURT: No.  
13 Mr. Champion?

14 MR. CHAMPION: Thank you.

15 So we have two Nelsons on the panel. Do you know  
16 each other?

17 JUROR ROBERT NELSON: No.

18 MR. CHAMPION: Okay. Just have to ask that  
19 question.

20 You heard all the questions. You ever been a victim  
21 of a crime?

22 JUROR STEPHANIE NELSON: I have, but it was a long  
23 time ago.

24 MR. CHAMPION: Anything about that experience that  
25 would affect your ability to be fair and impartial?



1 JUROR STEPHANIE NELSON: No.

2 MR. CHAMPION: Especially given the charge.

3 . . . (inaudible)

4 JUROR STEPHANIE NELSON: No, someone stole my pets.

5 She admitted her guilt. It was—

6 MR. CHAMPION: Okay. You understand that the

7 prosecution must prove each and every element beyond a

8 reasonable doubt?

9 JUROR STEPHANIE NELSON: Yes.

10 MR. CHAMPION: And, unless they do that, you have

11 to find a person not guilty?

12 JUROR STEPHANIE NELSON: Yes . . . (inaudible)

13 MR. CHAMPION: Did you hear the judge say that I

14 can sit over there with my client, we can play cards and we

15 don't have to do anything?

16 JUROR STEPHANIE NELSON: Yes.

17 MR. CHAMPION: You understand that?

18 JUROR STEPHANIE NELSON: Yes.

19 MR. CHAMPION: That won't happen, but we can do

20 that.

21 Why is that important?

22 JUROR STEPHANIE NELSON: Because that's his right.

23 MR. CHAMPION: That's his right.

24 Because who has the burden? The prosecution.

25 JUROR STEPHANIE NELSON: Yes.

1 MR. CHAMPION: And it never shifts—  
2 JUROR STEPHANIE NELSON: Right.  
3 MR. CHAMPION: —would you agree?  
4 JUROR STEPHANIE NELSON: Correct.  
5 MR. CHAMPION: A question I've asked a couple of  
6 jurors, if you were in my client's seat, would you want  
7 somebody like yourself as a juror?  
8 JUROR STEPHANIE NELSON: Yes.  
9 MR. CHAMPION: Why?  
10 JUROR STEPHANIE NELSON: Because I feel like I'm a  
11 pretty honest—  
12 MR. CHAMPION: And you can—  
13 JUROR STEPHANIE NELSON: —impartial person.  
14 MR. CHAMPION: You can listen to everything?  
15 JUROR STEPHANIE NELSON: Absolutely.  
16 MR. CHAMPION: If you have an opinion—Let's say  
17 you're deliberating and your opinion is different than the  
18 other individuals—  
19 THE COURT: Can you speak up a little bit,  
20 Mr. Champion.  
21 MR. CHAMPION: Sorry, your Honor.  
22 If you have an opinion and it's different than the  
23 other 11 individuals, can you hold your conviction if you  
24 believe it's correct?  
25 JUROR STEPHANIE NELSON: Yes.

1 MR. CHAMPION: Thank you.

2 THE COURT: Mr. Cusick?

3 MR. CUSICK: Thank you, your Honor.

4 Ms. Nelson, you understand that people, as

5 Mr. Champion said, might have a motive to lie but they also

6 might have a motive to tell the truth?

7 JUROR STEPHANIE NELSON: Of course.

8 MR. CUSICK: And you're able to evaluate all of the

9 evidence, listen to everybody, and look at all the

10 circumstances to determine what that--what that truth may be,

11 correct?

12 JUROR STEPHANIE NELSON: Yes.

13 MR. CUSICK: Okay. And I apologize if this has

14 already been asked, but I didn't hear it. Have you served on

15 a jury before?

16 JUROR STEPHANIE NELSON: I have never.

17 MR. CUSICK: And do you have any type of hardship

18 or anything to serve two to three weeks from--starting

19 August 27<sup>th</sup>?

20 JUROR STEPHANIE NELSON: I don't think so. I

21 talked to my boss on my lunch break. I am a single mom of

22 three girls, so--But I think that we're going to be able to

23 work around that schedule. So I think I'll be all right.

24 MR. CUSICK: I have nothing further.

25 Thank you, your Honor.

1 THE COURT: Challenges for cause, Mr. Champion?

2 MR. CHAMPION: No, your Honor.

3 THE COURT: For cause, Mr. Cusick?

4 MR. CUSICK: None, your Honor.

5 THE COURT: Any peremptory challenges at this time,  
6 Mr. Champion?

7 MR. CHAMPION: No, we're satisfied with the panel,  
8 your Honor.

9 THE COURT: Mr. Cusick?

10 MR. CUSICK: People are satisfied.

11 THE COURT: All right. So before I release the  
12 rest of the jurors, let me just double-check. We have to have  
13 12 of you deliberate. Is there anything that you want to  
14 bring to our attention or you feel that the attorneys or the  
15 Court should be aware of that has not been addressed before?  
16 Raise your hand.

17 And no hands are raised.

18 Okay. With that, I'm going to excuse the rest of  
19 the jurors. We do appreciate your time. Obviously, this is  
20 an important responsibility that we all have, so we do  
21 appreciate your patience with us, also.

22 Please place your badges in the basket on the left  
23 side of the double doors.

24 Have a good afternoon.

25 (At 4:29 p.m., remainder of jury panel excused)

1                   Okay. So, those of you remaining, I have a few  
2 instructions I'm going to read to you--just some reminders  
3 here--and then I will excuse you for the day.

4                   And you need to report August 27--That's a  
5 Tuesday.--upstairs on the fourth floor. Just like you did  
6 today, you will check in. I'm going to ask that you arrive at  
7 9:00 o'clock.

8                   And I will caution you that's a day that we start  
9 trials, so there might be a number of other folks that are  
10 also checking in on that day. So you might want to get here  
11 just a few minutes early. But, when we receive word that all  
12 of you are here, then we'll bring you down and start with the  
13 trial.

14                  So I will have some additional jury instructions to  
15 read to you, and then I'll turn it over to the attorneys for  
16 opening statements, and then we'll begin our witnesses.

17                  So sometimes this is a longer process. Things  
18 should move along a little bit quicker when you return on  
19 Tuesday--on the 27<sup>th</sup>.

20                  So, again, just a reminder, we will be in trial then  
21 that whole week--the 27<sup>th</sup>, which is a Tuesday, through Friday.  
22 And then the next week is Labor Day, so you will actually  
23 return on Wednesday--not Tuesday--of that week. So that is  
24 September 4<sup>th</sup>. And then we'll go 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>.

25                  Then, as we progress through the trial, I will

1 occasionally let you know where we think we are, if we think  
2 we're on track, if we think we might be moving along a little  
3 quicker or a little slower. So that's the general plan.

4 All right. So please listen carefully again.

5 You must not discuss this case with anyone,  
6 including your family or friends. You must not even discuss  
7 it with the other jurors until the time comes for you to  
8 decide the case; and, when it is time for you to decide the  
9 case, I will send you to the jury deliberation room for that  
10 purpose.

11 If I call for a recess during the trial, I will  
12 either send you back to the jury room on the fourth floor or  
13 allow you to leave the courtroom on your own and go about your  
14 business.

15 You must not discuss this case with anyone or let  
16 anyone discuss it with you or in your presence. If someone  
17 tries to do that, tell him or her to stop and explain that, as  
18 a juror, you are not allowed to discuss this case. If he or  
19 she continues, leave immediately and report the incident to us  
20 as soon as you return to court. And you would do that by  
21 letting Ms. Wint know what happened, and then she'll pass the  
22 information along to myself and the attorneys.

23 You must not talk to the defendant or the lawyers or  
24 the witnesses about anything at all, even if it has nothing to  
25 do with this case. It is very important that you only get

1 information about this case when you are in this courtroom  
2 when you are acting as the jury and when the attorneys and the  
3 defendant and I are all present.

4 During the trial, do not read or listen to or watch  
5 any news reports about the case. Under the law, the evidence  
6 you are to consider to decide the case must meet certain  
7 standards. For example, witnesses must be sworn in. They  
8 must be placed under oath, and they must swear to tell the  
9 truth, and the lawyers must be able to cross-examine the  
10 witnesses.

11 Because news reports do not have to meet these  
12 standards, they could give you incorrect or misleading  
13 information that may unfairly favor one side or the other.  
14 So, to be fair to both sides, you must follow this  
15 instruction.

16 The only information you are to receive about this  
17 case must come to you in this courtroom, and you must not  
18 consider any information that comes from anywhere else.

19 Again, do not read or listen to any newspaper  
20 headlines or articles related to the trial. Do not watch or  
21 listen to any television or radio comments about the accounts  
22 of the trial.

23 Until your jury service is concluded, you are not to  
24 discuss the case with others, including the other jurors.

25 Do not read or listen to any news reports.

1 Do not use a computer, cellphone, or other  
2 electronic device with communication capabilities while you  
3 are in attendance during the trial or anytime to obtain any  
4 information about a party or a witness or an attorney.

5 Let me just stop.

6 Do you need a Halls®, or are you okay?

7 UNIDENTIFIED JUROR: Could I just have a drink of  
8 water?

9 THE COURT: Yes.

10 Can you get some water for her, please.

11 UNIDENTIFIED JUROR: . . . (inaudible)

12 THE COURT: And I know that happens.

13 Let me just give you a moment.

14 I have some Halls® here, too, I'm going to hand-

15 UNIDENTIFIED JUROR: I'm okay. I don't-

16 THE COURT: You're okay.

17 UNIDENTIFIED JUROR: Yes, just a tickle. It is a  
18 tickle.

19 Thank you.

20 THE COURT: And I won't have you talk anymore  
21 'cause sometimes that makes it worse.

22 Okay. So the electronic devices may be used during  
23 breaks or recesses but may not be used at anytime to obtain or  
24 disclose information about a party or a witness or an attorney  
25 or a court officer or to obtain information or look up any



1 information about one of your fellow jurors, to look up any  
2 news accounts of the case or information collected through  
3 juror research on any topics that may be raised during the  
4 trial or testimony offered by any witness or by an exhibit.

5 Do not do any investigations on your own or conduct  
6 any experiments of any kind related to the case. And, again,  
7 this includes using the Internet for any purpose related to  
8 this case.

9 If you discover that another juror has violated any  
10 of these instructions, please pass that information along to  
11 us. And, again, you would do that by letting Ms. Wint know  
12 what happened.

13 Okay. So, again, then, ladies and gentlemen,  
14 you—I'm going to release you for the day; but please follow  
15 all of these instructions. And I need you to return on  
16 August 27 at 9:00 o'clock to the fourth floor.

17 Be careful when you come in and out of the building.

18 And, again, make sure you don't ever come into the  
19 courtroom on your own.

20 And please don't hang around the second floor, just  
21 in case the attorneys or witnesses are talking about the case.

22 Does anyone have any questions at this time?

23 And it looks like we do have a question.

24 Yes, sir?

25 UNIDENTIFIED JUROR: Is it going to be 9:00 o'clock

1 every morning, or does that fluctuate; or will we—we won't  
2 know until you tell us or—

3 THE COURT: That is expected, yes—

4 UNIDENTIFIED JUROR: Okay.

5 THE COURT: —that it would be 9:00 o'clock every—

6 UNIDENTIFIED JUROR: Okay.

7 THE COURT: —morning. Okay.

8 Any other questions?

9 Yes, ma'am?

10 UNIDENTIFIED JUROR: We start at 9:00 o'clock.

11 Does it go all day then? Does it go—I mean, should we expect  
12 to stay here till 5:00 every day?

13 THE COURT: That is the plan.

14 UNIDENTIFIED JUROR: We—

15 THE COURT: Things happen. That's all I can tell  
16 you. That is the plan, yes.

17 UNIDENTIFIED JUROR: Can I ask, the Friday before  
18 Labor Day, will we go till 5:00 o'clock? Would that be the  
19 plan as well, do you know?

20 THE COURT: That is the plan right now, yes.

21 And did you have a question?

22 UNIDENTIFIED JUROR: Is it okay if, when we're not  
23 in session, if I work? Is that okay?

24 THE COURT: Oh, absolutely.

25 UNIDENTIFIED JUROR: Okay.

1 THE COURT: Go on with your normal lives between  
2 now and the 27<sup>th</sup> when—

3 UNIDENTIFIED JUROR: I meant like at lunchtime, can  
4 I—'cause I work remotely—

5 THE COURT: Yes.

6 UNIDENTIFIED JUROR: —is that all right?

7 THE COURT: Absolutely. We have Wi-Fi here, so you  
8 can bring phones or other—you know, laptops, whatnot. Just  
9 you can't use them to look up anything about the case or  
10 anyone involved in the case.

11 Yes, ma'am?

12 UNIDENTIFIED JUROR: With bringing our laptops and  
13 things, will there be places for us to lock them up; or do we  
14 need to drag—

15 THE COURT: No—

16 UNIDENTIFIED JUROR: —them with us?

17 THE COURT: —you will be carrying them back and  
18 forth. We do not want to be responsible—

19 UNIDENTIFIED JUROR: . . . (inaudible)

20 THE COURT: —for those, so—

21 Yes. Any other questions?

22 Yes. And then, during breaks and so forth, you can  
23 certainly use those types of equipment.

24 Okay. Counsel, is there anything we need to address  
25 before I release the jurors at this time?

1 Mr. Cusick?

2 MR. CUSICK: No, your Honor.

3 THE COURT: Mr. Champion?

4 MR. CHAMPION: Not that I'm aware of, your Honor.

5 THE COURT: Okay. So have a good week. We'll see  
6 you in a few weeks. We appreciate your time.

7 And, Ms. Wint, are you going to take them out this  
8 door or—

9 Okay. She's going to—You're going to follow  
10 Ms. Wint out whichever door she chooses. That door.

11 Ma'am, you need to stand. Ma'am, you need to stand  
12 for the jury. Thank you.

13 I probably didn't say that. I'm sorry.

14 (At 4:39 p.m., jury exits courtroom)

15 You may be seated.

16 Sorry. I don't think I said that, and I usually do.

17 Okay. So the jury has left the courtroom, and I  
18 believe the doors are shut. Well, they are shut.

19 Counsel, I know we have a motion that we need to  
20 address. How long do we think it's going to be?

21 MR. CHAMPION: Well, we discussed this.  
22 Susan Prentice-Sao, who's on vacation this week, the plan is  
23 is that Mr. Cusick and Susan are going to sit down on  
24 Tuesday—a week—

25 THE COURT: Next Tuesday?

1 MR. CHAMPION: -from today-

2 THE COURT: All right.

3 MR. CHAMPION: -and go through our motion. And so,  
4 if there are any issues, we can bring it back before the  
5 Court. I would anticipate it would be no longer than a half  
6 hour to an hour if we have to argue it.

7 THE COURT: Okay. And I know in the motion that's  
8 filed right now there's a number of documents-some evidence  
9 that's listed-and I know that, per our discussions in the  
10 past, you are going to review those and determine what was  
11 coming in, what was not going to be introduced. And I  
12 appreciate the fact that-I think you have been working behind  
13 the scenes already, and, obviously, will continue to do that  
14 then.

15 So it sounds like you do not want me to address that  
16 motion right now, we can wait until next week and see where  
17 we're at?

18 MR. CHAMPION: That would be my request-

19 THE COURT: Okay.

20 MR. CHAMPION: -if that's okay with Mr. Cusick.

21 MR. CUSICK: And I did speak with Mr. Champion  
22 about this. Obviously, in my response motion, for more than  
23 half of the motion, I admitted that we're not going to  
24 introduce the evidence.

25 I will say-I can bring this up with Mr. Champion

1 outside of court.—what we want to introduce and what we  
2 indicated in our motion, we may have to argue it before the  
3 Court because I don't know if we're going to necessarily agree  
4 on that.

5 THE COURT: Sure.

6 MR. CHAMPION: And, again, I anticipate it will not  
7 take that long—

8 THE COURT: Okay.

9 MR. CHAMPION: — . . . (inaudible)

10 THE COURT: So let me ask you this, then. I am the  
11 duty judge next week, which means I'm available to handle some  
12 things, and it depends on what the schedule is next week—

13 (At 4:41 p.m., off record discussion between Court  
14 and clerk)

15 Okay. It looks like we might be able to address  
16 those issues, if need be, as long as you're in town. And I  
17 don't—Otherwise, you can pick a day. I don't know if you  
18 want—

19 MR. CUSICK: Well, I—

20 THE COURT: —to make that decision now or—

21 MR. CUSICK: I really appreciate that, Judge. I am  
22 going to be in town meeting with some of the witnesses on  
23 Tuesday morning August 13, and I can be with Susan on—shortly  
24 thereafter. And, if there's any issues, maybe Tuesday  
25 afternoon, if the Court's available?

1 THE COURT: All right. Now the only catch is—

2 MR. CUSICK: Or I can do in the morning.

3 THE COURT: Right. The only catch is, after you  
4 meet, we then need to make sure that Mr. Steel's here,  
5 obviously, to address that. So, if you're going to meet in  
6 the morning, let us know, hopefully, by 11:00, 11:30, so we  
7 can then ask that Mr. Steel be brought over for the afternoon  
8 to address the motion.

9 MR. CHAMPION: And, again, I'll have to check the  
10 schedule to be sure, but I'll get—

11 THE COURT: Okay.

12 MR. CHAMPION: —with Mr. Cusick before—

13 THE COURT: All right. Let me know. And then  
14 we're flexible. We can do it a different time, if need be,  
15 too, so—

16 MR. CHAMPION: I think the other issue is the  
17 private investigator's still contacting people. In fact, I  
18 was just meeting with relatives of Mr. Steel about trying to  
19 locate individuals. I will—I'm anticipating within the next  
20 week to ten days I should have an updated witness list for  
21 Mr. Cusick. I think that was one of his concerns. As soon as  
22 I have a report from Mr. Clatterbuck, I will provide it to  
23 Mr. Cusick, also.

24 Is that—

25 THE COURT: Okay.

1 MR. CHAMPION: -acceptable by the Court?

2 MR. CUSICK: And, your Honor, the only issue—I just  
3 don't want there to be a situation, even a week before trial  
4 or anything more than two weeks before trial, to receive their  
5 witnesses—their additional—I did receive a witness list from  
6 Mr. Champion, I think, on May 3<sup>rd</sup>. But, any additional  
7 witnesses, I would like the opportunity—It's been three months  
8 for my officer in charge to be able to interview some of the  
9 witnesses and look over the reports, et cetera.

10 And I would just—if the Court's willing to indicate  
11 at least two weeks before trial, I would like the Court's—that  
12 Mr.—

13 THE COURT: Right. So that's—

14 MR. CUSICK: - . . . (inaudible)

15 THE COURT: -next Tuesday. Right now I'm just  
16 going to indicate, Mr. Champion, you need to have your  
17 witnesses provided to him, then, by the end of the day next  
18 Tuesday. You know, if there's issues from there, we'll  
19 address them.

20 MR. CHAMPION: I can always amend my witness list,  
21 but—

22 THE COURT: But—

23 MR. CHAMPION: -I'll do an amended one.

24 THE COURT: All right.

25 MR. CUSICK: And the other issue, your Honor—And I



1 want to tell Mr. Champion this as well.—Roderick Ivey is on  
2 the witness list. He was interviewed, and I don't feel that  
3 we need to call him.

4 THE COURT: What's his name?

5 MR. CUSICK: Roderick Ivey.

6 MR. CHAMPION: I may be adding Mr. Ivey to the  
7 stand—

8 THE COURT: Okay.

9 MR. CHAMPION: —to my witness list.

10 THE COURT: All right. I appreciate that.  
11 Anything else, then, Counsel?

12 MR. CUSICK: No, your Honor.

13 MR. CHAMPION: No.

14 MR. CUSICK: Thank you.

15 THE COURT: All right. Court's in recess.

16 (At 4:44 p.m., proceedings adjourned)  
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